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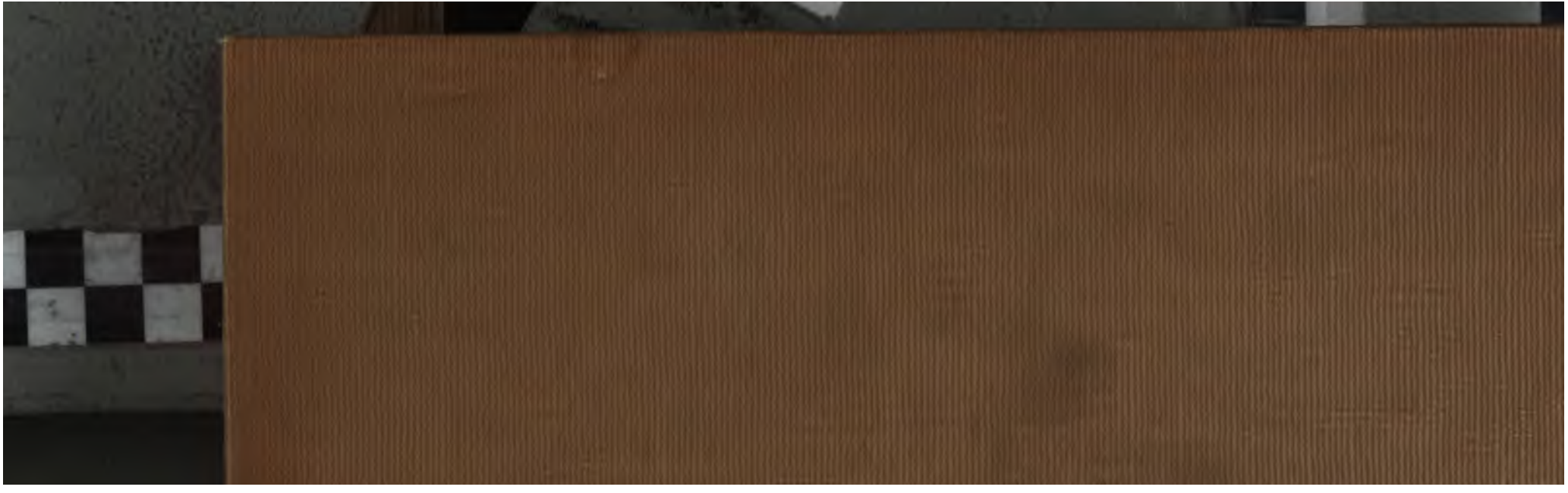

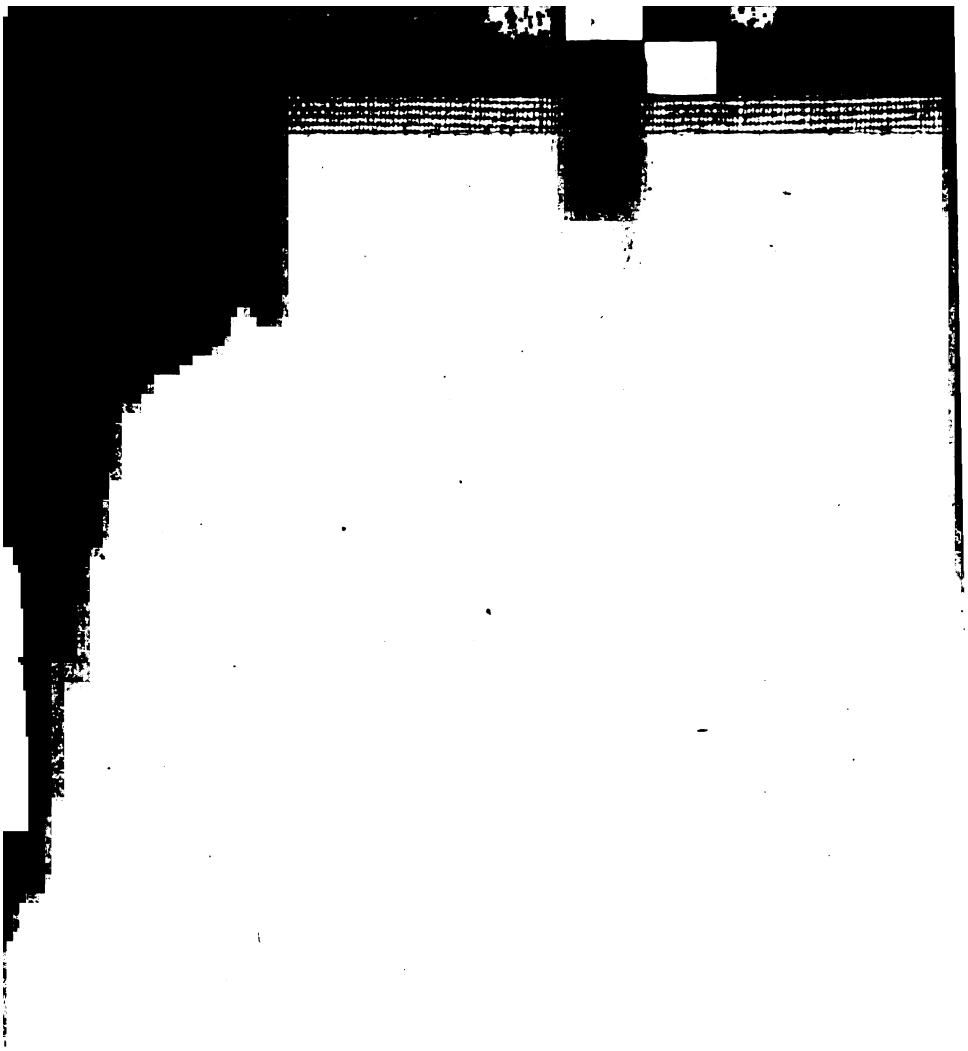

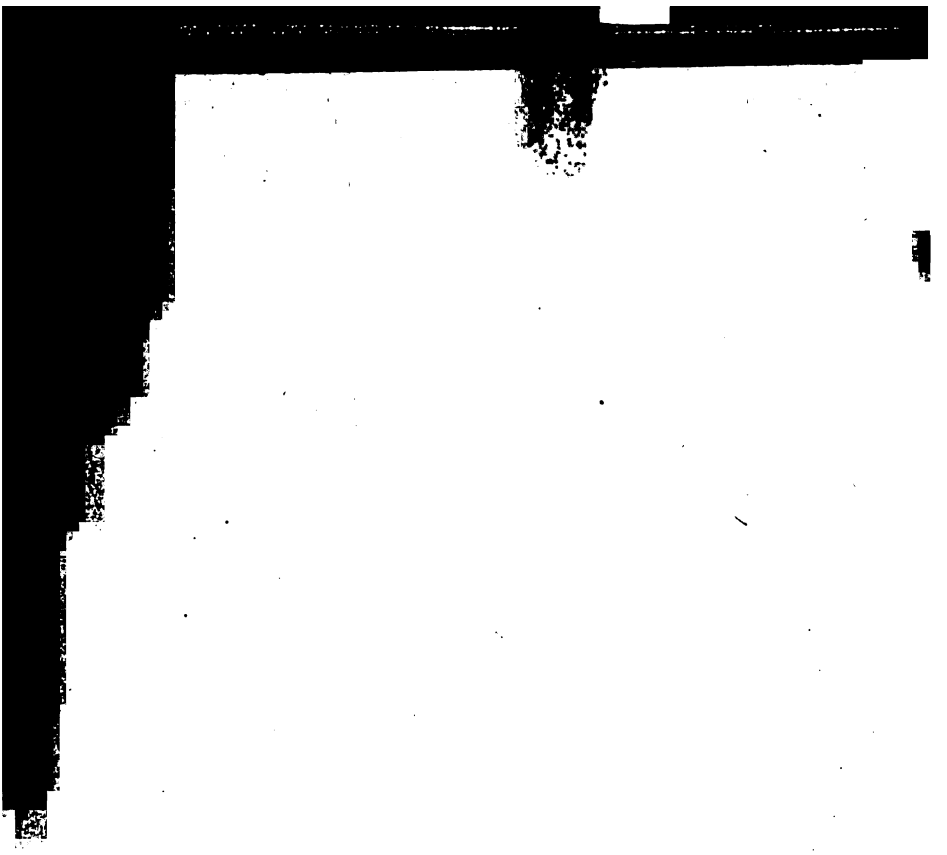

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TO THE

REPORTS OF THE COMMITTEES

OF

THE SENATE OF THE UNITED STATES,

FOR THE

SECOND SESSION OF THE FORTY-SECOND CONGRESS.

1871-'72.

IN FOUR VOLUMES.

Volume 1 contains Nos. 6 to 232, inclusive, except Nos. 41, 183, and 227.
Volume 2 contains No. 41, Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.
Volume 3 contains No. 183.
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SENATE OF THE UNITED STATES

FOR THE

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42D CONGRESS, 2d Session. | SENATE. | REPORT No. 41, pt. 7.

TESTIMONY

TAKEN BY

THE JOINT SELECT COMMITTEE

TO INQUIRE INTO

THE CONDITION OF AFFAIRS

IN

THE LATE INSURRECTIONARY STATES.

GEORGIA

VOLUME II.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

THE KU-KLUX CONSPIRACY.

This report consists of thirteen volumes.

Volume I contains the report of the committee and the views of the minority.

Volume II contains the testimony taken by the committee in relation to North Carolina, and the report of the trials in the United States circuit court held at Raleigh, North Carolina.

Volumes III, IV, and V contain testimony taken by the committee in relation to South Carolina, and the report of the trials in the United States circuit court held at Columbia, South Carolina. Index to the three volumes is contained in volume III.

Volumes VI and VII contain testimony taken by the committee in relation to Georgia. Index is contained in volume VI.

Volumes VIII, IX, and X contain testimony taken by the committee in relation to Alabama. Index is contained in volume VIII.

Volumes XI and XII contain testimony taken by the committee in relation to Mississippi. Index is contained in volume XI.

Volume XIII contains miscellaneous testimony taken by the committee, testimony in relation to Florida, and miscellaneous documents.

TESTIMONY TAKEN BY THE SUB-COMMITTEE.

GEORGIA—Continued.

ATLANTA, GEORGIA, *October* 26, 1871.

SAMUEL STEWART (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I was forty-nine years old on the 16th day of last August; I was born in Athens, Georgia, and I am living in Atlanta now.

Question. How long have you been in Atlanta?

Answer. This has been my home for fourteen years.

Question. Have you been here all the time?

Answer. No, sir. I am a carpenter, and I have worked about in different places, but this has been my home.

Question. When did you last come to Atlanta?

Answer. I last came back on the 7th day of August, three years ago; I had been off at work before that time.

Question. Where had you been before that?

Answer. I had been down in Early County, in southwestern Georgia; I was hired out there at building; that was before the war.

Question. Since the war have you been at work in any other county than this county?

Answer. Yes, sir; down in Walton County, at a place called Social Circle.

Question. How long were you there?

Answer. I was there three weeks.

Question. When were you there?

Answer. I disremember exactly what time, but it was at the time of that big mass-meeting that was here three years ago, or near about that time, I think; at a time when they had a bush-arbor meeting between Alabama street and the car shed; they were preparing for it when I went from home.

Question. You staid there about three weeks?

Answer. Yes, sir.

Question. Were you molested or troubled in any way while you were there?

Answer. Yes, sir, I was.

Question. How, and by whom?

Answer. Well, I was there at work on a hotel, or supper-house, as it is called, for Mr. Spencer, the gentleman who hired me to go down there and make some blinds for the hotel. I was working for him by the day, and, after working there perhaps a little over three weeks, on Friday night, the 7th of August——

Question. What year was that?

Answer. I do not know what year it was. It was three years ago last August, at the time that General Meade was here in command. About half-past 10 o'clock at night I was sitting out on the piazza running parallel with the railroad, when a couple of gentlemen came up to me and asked me was I the old man from Atlanta. I said I was. They said, "Are you the carpenter working here?" I told them I was. Said one of them, "Don't you want to take a little walk up into the village." I said, "No, for I feel tired, and I am just getting ready to go to bed." They insisted on my going, but I said I could not go, and then got up on my feet and aimed to step up the platform, when they jerked me back. I turned around, and one of them struck at me with a knife and cut through my coat, vest, and shirt, but did not get to the skin. I began to think that they had some idea of trying to injure me. Just then he shut up his knife and put it up in his pocket. He drew a pistol and leveled it toward my face, and I caught the man. Just then one of them ran up behind me and caught me around

Answer. Yes, sir; I had heard of them.
Question. What did you hear of their doing?
Answer. That they had killed a boy down there, and a colored man, and burned a school-house. I did not hear that until after I went down there.
Question. What sort of a school-house?
Answer. A school-house for colored scholars. In fact, I know that was burned, for I saw it after it was burned. They do not know who did it; it was supposed these parties did it.
Question. Who killed the colored boy?
Answer. They could not tell who did it.
Question. What was his name?
Answer. I do not now remember.
Question. Who killed the colored man?
Answer. The same parties, it was supposed.
Question. What was his name?
Answer. It was Daniel Wallace.
Question. Had you known him?
Answer. I had seen him up here before that.
Question. Have you been down in Walton County since then?
Answer. No, sir; I left my tools down there, and never went for them. I sent for them, but they kept them down there a year before I got them away. They broke my chest open and destroyed some of my tools. I have a list of the tools that were missing out of my chest. They broke the lock open; it was a tremendous large chest when I carried it there, weighing 450 pounds, and when it came back here it did not weigh over 212 pounds. There were saws in that chest that I paid from three to six dollars for; sash-planes, &c. The chest came here, nailed with twelve-penny nails. I had been getting $2 a day for my work. When I showed my list of tools that were missing to Mr. Spencer, when he came up here, he laughed and said, that was more than I had.
Question. Have you a family?
Answer. Yes, sir.
Question. Have you a wife and children?
Answer. Yes, sir; but I am barely able now to make a support. I paint a little, but I cannot do much, though I am well known in this place.
Question. You have to use your left hand?
Answer. Altogether, for I cannot reach up with my right arm. Doctor Westmoreland charged me a hundred dollars for treating my arm, and I have not been able to pay him.

By Mr. BAYARD:

Question. I understand you to say that this outrage upon you was committed more than three years ago, down in Walton County?
Answer. Yes, sir; on the 7th of August.
Question. At that time General Meade was here in command of the State?
Answer. Yes, sir.
Question. And the circumstances connected with your injury were made known to the Freedmen's Bureau agent, and he made them known to General Meade?
Answer. He said he would do it.
Question. Now about this man John Saluda; how old a man was he at that time?
Answer. I never noticed him very closely, but from his appearance I supposed he was about 20 years old.
Question. He was a young man?
Answer. Yes, sir.
Question. I understand you to say, from the information that was derived from gentlemen whom you consulted here about prosecuting them, that they had nothing that you could recover from them; that those boys had no money and were too poor to pay you anything, and therefore it was not worth while for you to prosecute them?
Answer. They did not say they could not pay me anything.
Question. Did you understand that this John Saluda was a dissolute character?
Answer. I have heard it since then; I did not know it before.
Question. That he was a young man of twenty, and a dissolute man?
Answer. Yes, sir.
Question. Did you understand that he was a drinking man?
Answer. Yes, sir; that he was pretty much of a rowdy.
Question. Those two men came there and committed an assault on you?
Answer. Yes, sir; the two brothers.
Question. John Saluda did the threatening and the shooting, and the other brother held you?
Answer. Yes, sir.
Question. How long did you remain there after this occurrence?
Answer. I left the next day at 3 o'clock in the afternoon on the train.

Question. You say you sent for the sheriff?
Answer. Yes, sir; the sheriff or the bailiff, I do not know which it was; it was an officer.
Question. Did you yourself go before any magistrate, a justice of the peace or ordinary?
Answer. No, sir; I did not.
Question. You made no affidavit or formal complaint?
Answer. Only to Major Mosback.
Question. I mean down there in Walton County?
Answer. No, sir.
Question. You have not returned there since?
Answer. No, sir.
Question. You have lodged no complaint there?
Answer. I saw Mr. Spencer here several times after that.
Question. He was the man who employed you?
Answer. Yes, sir. I asked him if he did not think I had better go down there and take some action in regard to this thing. He seemed to persuade to me not to talk in that way, for the simple fact that he would have to go up as a witness, and he did not want to be a witness. He told me that he did not want his name in it, and I could not do anything without calling him.
Question. I understand you to say that so far you never have made any attempt down there to have these people indicted?
Answer. No, sir.
Question. You placed your case in the hands of the Freedmen's Bureau agent here, and he placed it in the hands of General Meade with the result you have stated?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Your employer has given you no protection there, then or since?
Answer. No, sir.
Question. And nobody there up to this time has made any efforts to have your wrongs redressed?
Answer. No, sir.
Question. And you were afraid to go there yourself?
Answer. Yes, sir. After they came so near killing me then, I thought I would be killed sure if I went down there again. My old mistress who raised me went down there herself. Then she wrote to Mr. Spencer, and she annoyed him so that he insulted her. Old Mistress Few raised me, and I never belonged to anybody else. There was nothing at all done about it; nothing done here or there.

By Mr. BAYARD:

Question. You came away from there some few hours after the occurrence?
Answer. Yes, sir; I staid there from about half-past 10 o'clock at night, until 3 o'clock the next day.

By the CHAIRMAN:

Question. You would have come away sooner, if you could have done so?
Answer. Yes, sir; I would have come away that night if I could.
Question. Did you hear that they had molested the doctor who set your arm the next morning?
Answer. I have been told that they interrupted him a long time since; nothing in regard to my case, I think.

By Mr. BAYARD:

Question. Who was the physician who came there the next morning and set your arm and dressed it?
Answer. Dr. Gibbs; he did not dress it, but only put it in a sling so that I could carry it.

By the CHAIRMAN:

Question. Did he put any splints on it?
Answer. No, sir; he brought a kind of wooden concern like a cup, to fit under the elbow. The arm was so swollen that he could not do anything else.

By Mr. BAYARD:

Question. You brought that wooden cup away with you?
Answer. Yes, sir, and sent it back by Mr. Spencer.
Question. He set your arm so that you could travel comfortably?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What reason did he give for not coming the night before?

Answer. He said he was afraid to venture out there, because there was so much disturbance in the village.

Question. Was there much disturbance that night?

Answer. The village is a little piece from the road. I could hear them talking and hollering up there, but I could not understand what they said.

By Mr. BAYARD:

Question. How far off did that physician live?

Answer. I should suppose about half a mile.

Question. Who did you send for him?

Answer. A colored man by the name of Joe Wood.

Question. About what time of the night?

Answer. It was a half an hour after the accident occurred; about 11 o'clock.

Question. He came the next morning?

Answer. Yes, sir.

Question. At what time?

Answer. About 7 o'clock. I asked him why he did not come last night, when he could probably have done something with my arm; it was so swollen then he could not do anything with it. He said he was actually afraid to come out.

By the CHAIRMAN:

Question. Seven o'clock was pretty late in the morning there, was it not, at that season of the year?

Answer. I thought it was. It seemed to be 10 o'clock to me. The sun was up high then, in August; I thought it was 10 o'clock. I was suffering, and every minute seemed an hour to me.

By Mr. BAYARD:

Question. When you told the chairman that nothing was done for you, and no assistance given you, you did not refer to the fact that the physician came there the next morning and put your arm in a wooden cup, so as to enable you to come up to Atlanta?

Answer. No, sir.

Question. He charged you two dollars and a half for putting your arm in that position?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say he collected the money; how did he do it?

Answer. Mr. Spencer paid me the next morning what he owed me, and I paid the doctor.

By Mr. BAYARD:

Question. You did not know the doctor before or since?

Answer. No, sir.

Question. He is a practicing physician down there?

Answer. Yes, sir; I suppose so.

Question. I understand you to say that the only person who took any interest in your affair and inquired about it was your old mistress, who went down there?

Answer. Yes, sir.

Question. Is she an old lady?

Answer. Yes, sir; a very old lady. She came back and told me that none of them could be found.

By the CHAIRMAN:

Question. The Bureau agent came to see you often?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. How many years had you worked for that old lady?

Answer. All my life; ever since I could work at all. She raised me.

Question. You had done a great deal for her, and she showed her appreciation of it?

Answer. Yes, sir; she took great interest in me, and always did. I have always been well treated by her; there is no doubt about that.

ATLANTA, GEORGIA, *October* 26, 1871.

CHARLES SMITH (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I was about thirty-nine years old last August; I was born in Walton; and I have been living in Walton County.

Question. When did you come up from Walton County?

Answer. I came up five weeks ago last Friday night.

Question. Have you been back there since?

Answer. No, sir.

Question. Why did you come up here?

Answer. Because the Ku-Klux beat me and told me to go away from there. Let me start now and tell it straight as I go. They came on me the 19th day of last March. It was a rainy, cold night, and I was lying in the bed. I heard somebody call at the door, and I answered them. Somebody knocked at the other door and spoke in a curious voice. I knew the voice of the one that called at the first door. My sister had a girl hired of me, and I thought perhaps the little girl was sick. Then I heard somebody at the other door call with a curious voice, and I did not answer. They knocked one door open, and then they hollered for me to open the other door. My wife got up and opened it, and by that time I raised a plank to run under the house. There was a place boarded up under the house, to keep a pet pig from sucking eggs. Every time I would go to move they would say, "Hush! hush!" One man says, "Go in and tear up the house; turn it over, and we will have him." They raced about, raised the plank up—part of it—looked in the beds and everywhere. They said, "Look under the floor." They raised the plank and found me there. One man said, "Shoot under the floor." I was lying by the sill, and I saw which way he poked his pistol, and it was not towards me. After they saw me under the house they said, "Come here." My nickname is 'Dolphus, and they always called me that; but I registered my name as Charles Smith. I ran out, and they shot at me ten times; but they did not hit me. I got away and ran down to where there was a horse I knew, and I stopped and sort of stooped down to look at him, and found that I knew that critter. I went on and run farther and got out of the way. They hit my wife twelve licks, and my sister says they hit her three or four licks. I then went off and staid two days. I took a notion that I was not satisfied, and I came back on Saturday night to see how things were going on. I staid there Sunday, and got sort of uneasy for fear they would come on me again, and Monday I started off. I got about ten miles from home when I met John Crawford, one of my neighbors. He persuaded me to go back, and said they were only trying to scare me. I said that was a poor way of scaring. He says, "Go and work in the day-time at your crop, and then come to my house and stay at night; and if they come to my house I can shoot thirteen times." But I took care not to go to his house. I fixed a place for myself, and I laid out for about two months. Then I took a notion that I would lay in the house; for I supposed they would not bother me again. I laid in the house. I did not sleep much; I kept watching. I laid in the house until September. On the Thursday before the second Sunday in September they came in on me again. They knocked one door down. My wife heard them before I did. She waked me up; she was crying. I had not got awake good then when I heard her hollering, "Ku-Klux! Ku-Klux!" I ran to the door and opened it, and they gathered me. The first thing they struck me with was a rock, on the head, and then they struck me over the eye. They kept striking me that way with rocks and pistols all over the yard. While striking me they were trying to whip me, and they were in such a hurry to beat me that the mask of this man Felker dropped off on the ground. I thought to myself, "I have got you;" but I did not say anything. They beat me as long as they wanted to with rocks and pistols, and then they took a hickory and whipped me. Eight men struck me eight licks apiece.

Question. Did they whip you on your bare back, or over your clothes?

Answer. On my bare back. They pulled up my shirt. I had been ditching, and I had pulled off my drawers because they were wet.

Question. Were you standing up?

Answer. No, sir; they just knocked me down with rocks. After they had beat me that way as much as they wanted to, they told me to go and get a drink of water and go back into the house. I said that I did not want any water, and I went into the house. My wife was in there, and they took her out and made her get down on her knees, and then they stripped her dress down about her waist. They made my sister get down in the same way, in the yard, and, from all accounts, they stripped her stark naked as she came into the world.

Question. They stripped your sister?

Answer. Yes, sir; and they struck my wife fifty blows. Before they struck her any lick, Sam. Rich just raised his mask to wipe the sweat off his face, he had been working on me so hard. I was looking through a crack, and I saw him. They told my

wife to go and get a drink of water and go into the house. This Sam. Rich had sate down in the door, and Fulker had sate down there. Rich spoke to Felker and said, "Don't you want to use this hickory?" or something like that. He said, "Yes; I want to taste of her meat." He went on and took the hickory and whipped her; I do not know how long. They stripped her stark naked. Well, they whipped her and raised welts and knots, I do not know how much.

Question. That was your sister?

Answer. Yes, sir. When they got done whipping, they spoke up and said, "We are going to leave three or four of these wild men here to watch you and see if you watch us when we start off." They asked my wife if she knew any of them, and she said "No." They asked her if she suspicioned any of them, and she said she did not. That is what my wife tells me; I did not hear it, for when they got done whipping her, and had commenced whipping my sister, I stepped to the back door, for I was bleeding so. The first time they come there they got my gun and broke it. There was but one man who knew I had that gun. I had taken the gun to a shop, to get this same Sam. Rich, who was a blacksmith, to fix it. When he came into the house he called for the gun right straight, and broke it in half and threw it into the fire.

Question. How many were there in the crowd that first came to your house?

Answer. I did not see but five of them that come to the house, and two with the horses.

Question. Were they disguised?

Answer. Those that were with the horses were not disguised.

Question. Did you know them?

Answer. No, sir.

Question. Were they strangers there?

Answer. Yes, sir; I think they were strangers.

Question. Were those in the house disguised?

Answer. Yes, sir.

Question. Did you know the horse you saw?

Answer. Yes, sir.

Question. Whose horse was it?

Answer. It was Felker's mare.

Question. Who is he?

Answer. He is old man Felker's grandson, of Monroe. I have been knowing him ever since he was about that high. [Holding his hand about three feet from the floor.]

Question. How old is he now?

Answer. I expect he is about twenty-five years old, as near as I can get at it.

Question. What is his business?

Answer. He keeps store at Windsor, and hires hands to run a little farm.

Question. He has some property?

Answer. Yes, sir; he has got property.

Question. How many came to your house the last time?

Answer. About thirty.

Question. Were they disguised?

Answer. Yes, sir.

Question. How?

Answer. Some had paper faces on, and some were just blacked and marked up. Some had just these faces on that you see in the stores. Their breeches came up and fastened like little boys', and they looked that broad across, [spreading out his arms,] as if they had something stuffed in their clothes.

Question. Were they armed?

Answer. They had pistols.

Question. Did they use their arms the second time they appeared?

Answer. No, sir; only they poked them all about my head, and one of them jammed his pistol in my mouth.

Question. What did they say while they were doing that?

Answer. I said, "Men, stop if you please," and they stopped. I said, "What are you whipping me for?" They never told me, but let in to beating me again, and never did tell me. This man I lived with rode about two days and nights before the Ku-Klux came to my house.

Question. What man?

Answer. Thomas Moore.

Question. You say he rode about two days and nights?

Answer. Yes, sir. He was in a mighty hurry to get his cotton picked for fear it would rain, yet he rode about two days and nights.

Question. How much was your wife hurt by that whipping?

Answer. She was hurt pretty bad.

Question Had you any children?

Answer Yes, sir.

Question. How old were they?

Answer. I have one fourteen years old, one ten, and one nine, and one six years old.
Question. Where were they?
Answer. They were there in the house.
Question. Did they molest the children at all?
Answer. No, sir; they never injured the children in any way. They never bothered the children.
Question. How old was your sister?
Answer. Well, I declare I don't know how old she is.
Question. Is she older or younger than you are?
Answer. She is younger than I am; I am the oldest of them all.
Question. Did they give any reason for whipping your wife and sister?
Answer. Not that I heard.
Question. Have you any idea how many blows they struck your sister?
Answer. She says they only struck her forty. I tell you they struck her more than any forty.
Question. You judge so from her appearance?
Answer. Yes, sir.
Question. Were any of the rest of your family whipped besides yourself, your wife, and sister?
Answer. No, sir.
Question. Was your mother there?
Answer. My mother-in-law was there. She was lying in bed when they were whipping me. One of them went into the house and told her to shut up her mouth and put her head under the cover, or they would give her a little. I did not hear that; my wife said so. I reckon she told you what she knew; I can only tell what I know.
Question. How many of those men that came there either time did you think you knew?
Answer. I knew two of them.
Question. Who were they?
Answer. I knew three of them. I have never put this in before, for I said I would not say anything about it.
Question. Who were they?
Answer. Sam Rich, Bill Felker, and Jim Austin, the first time.
Question. Who did you know the second time?
Answer. Bill Felker and Sam Rich.
Question. Have you been sending your children to school?
Answer. No, sir; they will not allow you to have a school down there.
Question. Why not?
Answer. Talk about having a school down there! They would come in on you and kill you if you sent your children to school; eh! eh! A black fellow got up a school five miles from me, and they went in on him, and liked to have killed him because he was teaching school.

By Mr. BAYARD:

Question. What was his name?
Answer. Jim Harper.

By the CHAIRMAN:

Question. Are there many of these disguised men going about through that country?
Answer. A sight of them.
Question. How long since you have heard of their going around?
Answer. The first that I ever heard of them was last spring, down there. I had heard of their being in Jackson, and lower down, in Walton, before, but I never saw any before. I had heard of this thing, but I did not believe it.
Question. How long since you first heard of it?
Answer. About two years ago last Christmas. I went down to my old master's, and he told me of it. Said he, "There are Ku-Klux here; are you not afraid they will get among you?" I said, "What sort of men are they?" He said, "They are men who rise from the dead." I said, "Master, do you believe there are men that rise from the dead, and come here and Ku-Klux a body up in this way?" He says, "They come here to protect their country." I studied about it, but I did not believe it.
Question. Who was your old master?
Answer. Jefferson Smith.
Question. Where does he live?
Answer. In Walton County.
Question. Did you ever tell him about the way you have been treated?
Answer. No, sir; he is dead now.
Question. When did he die?
Answer. Along this last summer.
Question. Did he leave any children?

Answer. He left four.
Question. Do they live in that country?
Answer. They live ten miles below me.
Question. Did you ever tell any of them how you were treated?
Answer. I have not seen any of them since.
Question. Did you make any attempt to have the men arrested who came to your house in March?
Answer. No, sir; that would not have done.
Question. Why not?
Answer. If I had made the attempt they would have killed me by the time I made the movement.
Question. How do you know that?
Answer. I know it. If a man just talks about the Ku-Klux they get after him.
Question. You were satisfied you could not get justice if you tried?
Answer. What! get justice from the Ku-Klux in that country! I was done satisfied that we never could get justice from the Ku-Klux there; they would have killed us before we got it.
Question. Do you know the men in that country that people generally suppose belong to the Ku-Klux?
Answer. I only know what I saw myself.
Question. What is the character of those men that you saw; are they men of standing and property and influence?
Answer. Well, this man Felker is a man of pretty good standing, but Rich is but a common poor man.
Question. Did you vote when the election came on?
Answer. I never voted but once in my life, and that was for a convention; and if it had not been for a white man, I would not have done it. I just tell the truth; whether it is right or wrong, I am going to tell it. I was living with a man who asked me if I was going to vote. I said, "What about?" He said, "Go on and vote for a convention." I said, "I do not know anything about it." He said, "You had better go and vote, or they may do something with you." I said, "I do not know that they can." He said, "They might." I said, "Are you going to vote?" He said, "I am going to Lawrenceville to vote." I said, "I am not well; I do not care about walking that far." He said, "Get in the buggy and ride with me." That is the only time I voted, and I am not going to vote again either, for I do not know what I am voting for. I am a mighty hand to live in the country and make cotton and corn; I love to do that.
Question. You never voted but once?
Answer. That is all.
Question. Do you know how the men voted who whipped you?
Answer. No. sir.

By Mr. BAYARD:

Question. Have you been before the grand jury here?
Answer. I was before the grand jury last week.
Question. Did you make a statement of this case against Felker and Rich?
Answer. Yes, sir.
Question. Do you know Sarah Ann Sturdevant?
Answer. Yes, sir.
Question. Do you know Letty Mills?
Answer. Yes, sir.
Question. Do you know Augustus Mills?
Answer. Yes, sir.
Question. Are they all colored people living there about you?
Answer. Yes, sir.
Question. Have they all been before the grand jury on the same business?
Answer. Yes, sir.
Question. Had all of them knowledge about the same facts?
Answer. Yes, sir.
Question. Is Caroline Smith your wife?
Answer. Yes, sir.
Question. She has been here and been examined before this committee?
Answer. Yes, sir.
Question. And all the others have been before this committee?
Answer. Yes, sir.
Question. And all about this same case, about Rich and Felker?
Answer. Yes, sir.
Question. What is the name of the judge in your district?
Answer. Judge Charley Davis, of Monroe.
Question. Is he judge of the superior court?
Answer. I do not know.

Question. What is the name of the solicitor?

Answer. I do not know anything about that; I never heard of any such thing.

Question. You never made application to either of those gentlemen for aid to protect you, or to anybody else down there?

Answer. No, sir; I know only the sheriff down there.

Question. Did you make application to him?

Answer. No, sir; but there are colored men here on this same business, Bonafield and Lewis Henderson.

Question. Are they colored people too?

Answer. Yes, sir; they are here about distilling.

Question. Do the people up there make whisky?

Answer. This Felker makes whisky.

Question. Without a license?

Answer. Yes, sir.

Question. Was he afraid you people would report on him?

Answer. Certainly; he tried to keep it hid. But here is the way I found it out: Sam Rich did my smith-work, and I went right along by the still-house door when I went to carry my smith-work to the shop.

Question. You found out in that way that they were distilling?

Answer. Yes, sir.

Question. Did he ever say anything to you about reporting him?

Answer. No, sir. He tried to keep it blind; he thought I did not know it, but I happened to see him carry the meal there, for I watched him.

Question. Do you think they ever suspected that you had been watching them?

Answer. I do not know whether they ever did or not.

Question. You had watched them carry the meal to the still?

Answer. Yes, sir.

Question. Did you watch them pretty often?

Answer. Yes, sir.

Question. Did you watch them at night?

Answer. Yes, sir; at night and in the day-time. I saw this black mare going down to the mill with a sack of meal when the sun was about an hour high, and then I watched at night, about an hour or two after dark, and saw them go to the still.

Question. How many times did you watch them that way?

Answer. Three or four times.

Question. Did any of the other people watch them too?

Answer. Some fellows here will tell you something about that when you call them.

Question. Some colored men?

Answer. Yes, sir; they will tell you something about it.

Question. Do you suppose that Felker suspected any of you were watching him in that way?

Answer. No, sir. I will tell you how I came to watch him. After he came on me the first time I watched him. Says I to myself, "I have been taking that man for a clever man; me and him have played together many a time, but now I will watch him;" and I did watch him, too.

Question. And in that way you found out that he was carrying on an illicit distillery?

Answer. Yes, sir.

Question. When you came before the grand jury did you make a statement to them about it?

Answer. No, sir.

Question. They did not ask you about that?

Answer. No, sir.

Question. They only asked you about the whipping?

Answer. That is all. That is all I put in at the start, when I first came here. I am the one who first came here and reported this man for whipping me. I did not put in this distilling, but I went in for what they did to me.

Question. If they had not whipped you, you would not have said anything about the distilling?

Answer. I would not have done it.

By the CHAIRMAN:

Question. I understand you to say that you did not watch this man, or have anything to do with looking for his black mare, until after they came upon you last spring?

Answer. No, sir. I did not watch him before.

Question. But since that time you have been watching to find out what he was doing?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 26, 1871.

E. H. CHAMBERS sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I am forty years of age; I was born in Gwinnett County, and now live there; I am a farmer.

Question. How long have you lived in Gwinnett County?

Answer. Ever since I was born.

Question. Have you any people in that county that are called Ku-Klux?

Answer. Yes, sir; there are bands of disguised men, and I suppose you may call them Ku-Klux; I believe they call themselves Ku-Klux.

Question. That is the name by which they are known in the community?

Answer. Yes, sir.

Question. How long since you first heard of them in your county?

Answer. I do not remember the exact time, but some two or three years ago.

Question. How often have you seen any of them?

Answer. Only once.

Question. When was that?

Answer. About the last of May.

Question. State all the circumstances connected with that transaction.

Answer. I had some freedmen employed on my plantation, and they came to my house to know where they were living, and if they had been committing any depredations, that is, stealing or anything of the kind. I informed them that they had not been to my knowledge. They then told me that I must go with them and show them where they lived; that they had been committing some crime at other places, and they wanted to deal with them. I went with them and showed them where they lived. When I got within two hundred yards of their respective houses, they told me to stop. I did so. They all alighted from their horses and gave me their bridles and told me to hold them. They treated me rather as if I was a freedman, or worse, perhaps. They called me "boy," and ordered me around, which I thought was rather indignant. They gave me a pistol and told me to halt any person that approached, and if they did not halt, to fire at them. They left me with the horses and went to the first house; and from the noise that I heard I supposed that they did considerable knocking there. They ordered out the man and his wife into the yard, and I could hear tremendous licks, as they were whipping them with sticks. I heard the man holler, "O Lord," or something of that kind, and they ordered him to hush up. I do not know how long they beat him; he said they gave him a hundred licks. I heard them beat his wife; I heard her say something once in a while, and some one said, "Shoot her, damn her." I heard a pistol fired, and as I heard her say nothing more, I supposed she was shot; but they only shot up through the air. They came back and told me to take them to the next house, which I did. They stopped at about the same distance, and then went up there. I could hear slashing and a gun fired there. They took a gun from the freedman who was living there and fired it off and then broke it, as I understood from the freedman afterward; they did not fire off their own arms at that place. They beat three there, perhaps; whipped them severely. When they came back to me they said they had given them a whipping at that place, and wanted me to show them the next place. I had to go by my own dwelling to go to the next place. When I got there I said, "Let me stop here; I have gone far enough." They said, "No, you must go with us." At the next place I stopped something further than two hundred yards from the dwelling, for it was disagreeable to me to hear the beating and thrashing. They were gone about half an hour. I could still hear occasionally some of their blows and their cursing and abusing. They returned to me and told me to go home and go to bed. One of them said, "Keep what you know under your shirt, or we will come and see you."

Question. How many places did they go to?

Answer. They went to three places on that night.

Question. Why did you suffer yourself to go around at those places?

Answer. They forced me to do it; I was obliged to do it or be treated perhaps worse than the freedmen were.

Question. It was through fear of your personal safety?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. They would have found them any way?

Answer. Perhaps they would; I do not know anything about that.

By the CHAIRMAN:

Question. How many were there of those men?

Answer. There were ten in that gang.

Question. Were they riding or walking?
Answer. They were all riding.
Question. Were they disguised?
Answer. Yes, sir.
Question. What was their disguise?
Answer. They had some kind of covering or mask of some description over their faces and large white gowns that reached almost to the ground. Some had great horns sticking up on the side of their faces, and some had long beards. Their horses had white coverings on, with some fancy doings about their heads.
Question. How were the men armed?
Answer. I could occasionally see a pistol. I was afraid to try and examine anything about them, but I could occasionally see a pistol.
Question. Did they have hickories along with them?
Answer. I could not see the hickories; if they did not get them there they had them along with them. From what the freedmen told me I supposed that they had the hickories under their gowns.
Question. Did you know any of the ten?
Answer. Yes, sir; one.
Question. Who was he?
Answer. His name was Melvin C. Kennedy.
Question. Where does he live?
Answer. In Gwinnett County.
Question. What is his position in society?
Answer. Rather low; he is a kind of drunken, desperate man.
Question. Did you address him or speak to him by name?
Answer. No, sir; I recognized him in the first place by his voice; he was the man who called me "Boy," and ordered me to hold his horse; about that time he came up to me and threw up the thing he had over his face, so that I could see him; at least I supposed so; my notion about it is that he was a kind of desperate man, and did that to let me know that he was really in the gang, and to make me hold him in dread.
Question. You think the man meant that you should know he was along?
Answer. Yes, sir.
Question. Did you know any of the others?
Answer. I think I know several, but I am not positive about them.
Question. Are the persons that you suspect people who live in that neighborhood?
Answer. Yes, sir.
Question. People of like low character to Kennedy?
Answer. Well, similar.
Question. You said this occurred last May?
Answer. Yes, sir; I think it was the last of May; it was a short time before our wheat harvest.
Question. What reason did they give other than what you have mentioned?
Answer. None at all, only that they wanted to hunt them up for stealing?
Question. Did they state what they had stolen, and from whom?
Answer. They said they had stolen corn; they said they had stolen corn from a man by the name of Martin, and asked me if they had stolen any from me; I said that they had not; they asked me if I had heard that they had stolen corn from Mr. Martin, and I said that I had, but that it was a year ago, and as it had not been prosecuted I supposed that nobody had paid any attention to it; they said that never mind, that they meant to attend to it; they asked me if I had ever heard some one of them make any threats against the Ku-Klux; I said I had not; they said they had understood that one of them said he was going to whip the Ku-Klux; and he says that they told him so when they whipped him.
Question. Did they charge only one man with stealing?
Answer. That was all to me.
Question. And another with making threats against the Ku-Klux?
Answer. Yes, sir.
Question. What did they charge the third one with?
Answer. Nothing that I heard of then; I understood afterward that they said they were whipping him for stealing sheep.
Question. What were the names of those men who were whipped?
Answer. The first was Harry Allen and his wife; the next were George Mitchell, Hamp Mitchell, and Charles Burson; and at the third house they whipped Jack Allen and punched and knocked his wife about, and probably some of his children.
Question. Have any of those parties been examined here that you know of?
Answer. No, sir.
Question. Are they here in attendance?
Answer. Yes, sir.
Question. They were at work for you?

Answer. Yes, sir; some of them were working on the farm under a lease, but they were working for me.

Question. You say they whipped six persons?

Answer. I may say that they whipped Hamp Mitchell; they knocked him about a little; you may say that they whipped six.

Question. What was the character of the people they whipped?

Answer. Tolerably good; one very good.

Question. Which one?

Answer. This Hamp Mitchell, which they punched about; the first they whipped, Harry Allen, is a preacher, and ought to be a good character, and I do not know that there is anything wrong about him.

Question. How do those people behave themselves in the neighborhood; those that were whipped?

Answer. Perfectly well, nothing amiss.

Question. Are they still on your place?

Answer. Those that are not afraid to live there are there; some of them have left because of fear.

Question. Where have they gone?

Answer. To Decatur, in DeKalb County.

Question. Did there seem to be any leader in that party of disguised men?

Answer. Yes, sir; there was a man who seemed to be doing the talking and planning and ordering.

Question. Who was he?

Answer. I do not know positively; I can only guess at him; I thought it was a man by the name of Matthew Brown.

Question. Where does he live?

Answer. In the same county.

Question. What is his standing?

Answer. Just about like that of Kennedy?

Question. Did you ever talk with him about the Ku-Klux?

Answer. He said to me, "We are going to put down the negroes now, and keep them under, and if anybody opposes us we can make a strong show, for we are forty thousand strong in this State."

Question. Who did you understand him to mean by "we?"

Answer. The Ku-Klux organization.

Question. Did he explain what he meant by putting the negroes down?

Answer. No, sir; I suppose he just wanted to frighten them a little bit; probably make them leave the country, or to steal what they had, and what others had.

Question. To what political party did those men belong?

Answer. This band of Ku-Klux?

Question. Yes.

Answer. All that I know of them are democrats, and I think they are all democrats.

Question. Are they pretty noisy and boisterous at election times?

Answer. They are, unless there is a military force there. For some time we have had something like order about our elections, and they have been kept under.

Question. Are those men the only Ku-Klux you have ever seen?

Answer. They are all I ever saw.

Question. Did you hear of their being about?

Answer. Yes, sir.

Question. Where?

Answer. All over that section of the country; all around in my neighborhood; below me, and in Jackson County, and other counties.

Question. What is the feeling in regard to them with orderly good people there?

Answer. I hardly know what to say to that; some are in fear and some are not; I think it is from intimidation that any good people are in favor of it; if they are opposed to it I think they are afraid to express themselves.

Question. Has there been any attempt made to arrest any of them for any of their misdeeds?

Answer. Not by the civil authorities.

Question. Why have you not gone to the officers of the law and had these men arrested and dealt with?

Answer. I was afraid that I would be overrun by the balance left behind.

Question. Are you still afraid?

Answer. I am; I am so fearful that I have not slept peaceably in my house for more than a month; not for two months. I would not go back there and stay, only as I can slip in there once in a while; I would not go back there for any money; I could not be hired to do it.

Question. Do you think your sheriff and other officers would be willing to execute process for their arrest?

Answer. I think the sheriff of the county would, because he is working upon the matter now; but he has to apply to the military authorities.

Question. Do you think that if they were arrested they could be held in jail securely?

Answer. I do not.

Question. Do you believe that they would be convicted before any jury in that county that was likely to be selected?

Answer. I am afraid not.

Question. What is the feeling in that country toward men that are called radicals?

Answer. It is very hard against them.

Question. Against the whites as well as the blacks?

Answer. The feeling of the white people is general against the radical party; but the freedmen believe it to be their party.

Question. How many white republicans or radicals are there in the county?

Answer. I would suppose that perhaps one-eighth of them were radicals.

Question. Do you belong to that party?

Answer. To the radical party?

Question. Yes.

Answer. I do not.

Question. You are a democrat?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Have you been before the grand jury here?

Answer. Yes, sir.

Question. You have lodged there the complaint you now make here?

Answer. Yes, sir.

Question. You have stated to the grand jury these things in full?

Answer. As fully as I was asked.

Question. You were examined upon the charge of these assaults and cruelties upon the negroes, and the existence of this Klan in your county?

Answer. Yes, sir.

Question. I understand that, so far as your personal knowledge is concerned, this single occasion, when ten men came to your house and compelled you to point out the residences of those negroes, was the only occasion when you saw them?

Answer. Yes, sir.

Question. And of those ten men you identified but one man?

Answer. But one man certainly.

Question. And was the man of low character, and no social standing, a desperate, violent man?

Answer. Yes, sir.

Question. Did I also understand you to say that the man whom you suspected of being the chief manager of that gang was also a man of similar character?

Answer. Yes, sir.

Question. You have a general acquaintance in that county?

Answer. Yes, sir.

Question. You say that you act with the democratic party?

Answer. Yes, sir.

Question. Is there any difference of opinion or sentiment among honest and respectable men of your party on this subject; do they not all concur in opposing such lawless acts?

Answer. I think they do; I think they are in favor of putting down anything of the kind, but that they cannot get at it properly.

Question. You say that about seven-eighths of the white people of that county vote the democratic ticket, and about one-eighth the radical ticket?

Answer. Yes, sir.

Question. What is the proportion of the colored vote and white?

Answer. I do not know.

Question. Which preponderates?

Answer. The white vote.

Question. Is the county carried by the party with which you act?

Answer. Yes, sir.

Question. The sheriff, I presume, there, is a member of that party?

Answer. I suppose you may say he is; I do not know how he stands. He was brought out as a member of the democratic party.

Question. And was elected as such?

Answer. Yes, sir; and his deputy the same.

Question. Did I understand you to say that the sheriff was disposed to take hold of cases of this kind, and try and do his duty?

Answer. Yes, sir.

Question. Who is the judge of the district?

Answer. Judge Davis.
Question. Is he disposed to do his duty?
Answer. I think so.
Question. Who is the solicitor of that district?
Answer. Mr. Marler.
Question. Is he a gentleman of ability and character, and disposed to do his duty?
Answer. I think so.
Question. You say this transaction occurred in May, 1871?
Answer. Yes, sir; about the last of May.
Question. With that sentiment which you have described among the white people of the county, I presume that the members of the radical party are opposed to all such lawlessness?
Answer. Yes, sir; I think they are.
Question. The same as the democrats?
Answer. Yes, sir.
Question. With that sentiment among the white people, are not all your grand and petit juries formed of white men?
Answer. Yes, sir.
Question. Would there be any difficulty in the way of indicting men for such acts upon competent testimony?
Answer. Well, sir, I think there perhaps would be. I do not think the jurors would refuse to hear the testimony, but I think there would be difficulty in getting up the testimony.
Question. I mean, would there be difficulty, upon competent testimony such as would justify a verdict, in obtaining first an indictment before the grand jury, and next a conviction before a petit jury?
Answer. Well, sir, I have my doubts about it; I am afraid the jurors would hesitate, through fear, to give true verdicts.
Question. Has it been tried?
Answer. No, sir.
Question. Therefore, as yet, your apprehensions are not based upon any facts?
Answer. Yes, sir. I am afraid that men there are in the condition I am in, fearful of being interfered with by them.
Question. They fear the lawlessness of those men?
Answer. Yes, sir.
Question. Have you any knowledge of your own of the extent of this band in your county?
Answer. As to how many there are?
Question. Yes.
Answer. No, sir; I have not.
Question. Do you, of your own knowledge, know of more than this one man?
Answer. No, sir.
Question. Is the band made up of lawless characters similar to the one you have mentioned?
Answer. I think so.
Question. The difficulty of conviction would arise not from unwillingness, but from fear that they might be injured by the lawless men who would be left?
Answer. Yes, sir.

By the CHAIRMAN:

Question. I understand you to say that this organization is so strong as to create a reign of terror in your county?
Answer. That is my opinion.
Question. With all this large democratic majority in the county that you have spoken of, and with all the other side opposed to them, although this occurrence took place last May, no attempt has been made to bring them to justice, and you yourself have been afraid to stay in your own house?
Answer. Yes, sir.
Question. And you do not believe that it would be possible for the officers of the law to bring them to justice and punishment?
Answer. I do not believe they could do it.
Question. Is there an opinion there that those men who belong to the organization in your county have associates in other counties who would come in there and help them?
Answer. O, yes, sir; there is a general opinion of that kind; I do not know where it comes from.
Question. The general belief is that they are organized all over the State?
Answer. Yes, sir.

By Mr. BAYARD:

Question. Have you any knowledge of any facts upon which to base such an opinion?

Answer. No, sir.

Question. You mean that there is a general apprehension that such may be the case, although you do not know it?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 26, 1871.

THOMAS M. ALLEN (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am now thirty-eight years old. I was born in Charleston, South Carolina, and I am living here at present; that is, my family is here; I am pastor of the Baptist church at Marietta, Jasper County.

Question. How long have you been living in this State?

Answer. I came to this State the year that James K. Polk died, about 1849.

Question. How do you connect your coming here with his death?

Answer. I landed in Savannah at the time they were firing cannon there, and asked what was the matter.

Question. Were you a slave?

Answer. Partly so. My father was a white man, and he set us free at his death. They stole us from Charleston and run me and my brother and mother into this State. He left us ten thousand dollars each to educate us, and give us trades, and for that money they stole us away.

Question. Were you kept in slavery until the time of emancipation?

Answer. Yes, sir; I was held as a slave; I hired my time.

Question. You never were able to assert your freedom before emancipation?

Answer. No, sir, I could not do it.

Question. Where were you living at the time of emancipation?

Answer At Indian Springs, over in Butts County. I hired my time there at shoemaking. I was on the stand with Doctor French, when the first speaking was there.

Question. Have you been connected with political affairs in this State since the war?

Answer. Yes, sir. When the constitutional convention was called, I took an active part, and did all I could, of course. Afterwards I ran for the legislature and was elected.

Question. In what year?

Answer. I was elected in 1868; the colored members were expelled that year.

Question. From what county were you elected?

Answer. From Jasper County.

Question. Were you reinstated in your seat in the legislature?

Answer. Yes, sir.

Question. Have your witnessed any violence towards any of your race, yourself or any others?

Answer. Yes, sir. After we were expelled from the legislature, I went home to Jasper County; I was carrying on a farm there. On the 16th of October, a party of men came to my house; I cannot say how many, for I did not see them.

Question. Was that in 1868?

Answer. Yes, sir. Just before that, I was at home, and two white men came to the field where I was working. I heard them speaking to my children and asking for their father. I came up over the hill, and they told me that the radicals had expelled me from the legislature, and that I ought to take part with the democrats now, and take the stump for Seymour and Blair. I said that I did not consider that I was expelled by the radical party. They were friends of mine; Mr. Phelps was one, and he said that I could do more good by preaching the gospel and leaving political affairs alone. They then went off. I called a political meeting in town to organize a Grant club, or Grant Rangers as we called it. Senator Wallace, who was expelled at the same time, was to come there and help out this meeting. We were to have the meeting on the 17th, but Mr. Wallace did not come to my house until the 18th. Captain Bartlett told some colored people, a day or two before the meeting, that they had better stay away from town; that he did not think I would live to see the meeting.

Question. Who is Captain Bartlett?

Answer. He is a lawyer there. On the 16th or 17th I went home; I felt very bad; I felt very curious. The man running the place there said that if any one came there at any time of the night not to open the door. I went home and drove my hogs up, and put them in the pen, and when they brought in the cotton I weighed it. I felt so strangely that I went into a log-cabin and ate my supper, and went back into the house and got a Testament and read a chapter, and went to bed very early. About 2 o'clock my wife woke me up, and said that there were persons all around the house; that they had been there for half an hour, and were calling for me. I heard them call

again, and I asked them what they wanted, and who they were. One said, "Andy Minter;" that was a friend of mine. My wife said that was not his voice. I asked what they wanted. They said they wanted a light; that they had been hunting, and the dogs had treed something, and they wanted a light. I tried to find something to make a light with, but could not. They said, "Have you no matches?" I said, "No." I had some, but I forgot that I had any. They asked me to come out. At this time my brother-in-law waked up and said, "Who are they, Thomas?" I said, "I do not know; one says that he is Andy Minter, but it is not." He said, "I will get up and give them a light." I said, "You had better not." I stepped to the side window and opened it and looked out and said, "Emanuel will give you a light." My wife told me to come away and shut the window. I went back into my room and went to bed. Emanuel made a big light in his part of the house. It was a frame house, but the partition that separated my part from his did not go clear up to the roof, and I could see the light. He put on his shoes and vest and hat; that was all he was found with after he was killed. He opened the door and hollered, "Where are you?" He hollered twice, and then two guns were fired. He seemed to fall, and I and my wife hollered, and his wife hollered. I jumped up, and ran back to the fire-place, where I started to get a light, and then started to go over the partition to him. I threw a clock down, and then I thought of the closet there, and went through it to him, and my wife closed the door. I hollered for Joe, a third man on the place, to come up and bring his gun, for Emanuel was killed. He did not come for some time, and then I was so excited that I could not recognize his voice. After a time I let him in. We made up a light, and then I saw my brother-in-law laying on his back as he fell. I examined him; there were four or five number one buck-shot in his breast. He seemed to be dying very fast. Joe said, "What shall we do?" I said, "Go for Doctor Walker." I just had on my shirt and drawers, and was bare-headed; my boots and everything else were in my room. My wife was looking over into the room. I asked for my shoes, but she would not give them to me, she said I would be killed if I went out. I examined him again. He had on copperas pants, and near the edge a slug had gone through. While we were examining him he died. Next day, as soon as it was light, I got up and went out and counted one hundred and eighty shot in the house, and they will be there until judgment, or until the house shall rot down. The white men who came there the next day and held an inquest over him decided that three guns had been fired, one loaded with slugs, one with buck-shot, and one with small shot. Two of the shot went into the bedstead where his wife and children were in bed. He laid there until we could get a crowd of white men to hold an inquest over him. By this time Mr. Wallace arrived; he got there about 10 o'clock in the day. When Mr. Wallace drove up to the gate these white men who were holding the inquest were sitting under a tree inside of the gate. He said, "Allen, you have had a death out here." I said, "Yes." He said, "Why did you not kill some of these fellows?" I said, "There was not a gun in the house, and if there had been I could not see anybody." He said, "We do not allow men to come to Milledgeville and do such things." The white men seemed to be excited about it. I took him right into my house, and he took his pistol from under the cushions of his buggy, a bottle of liquor from under the seat, and his carpet-bag, and carried them into my room. Colonel James Wilson came in and said, "By God, Allen, I told you six months ago that we would not submit to negroism in this State; did I not tell you they would kill you?" I said, "Yes, but I did not believe it; I did not think anybody had anything against me; I preached for you all during the war, when you could not get a white preacher, for all had gone into the army; I did not think anybody would kill me for my political sentiments." He said, "I told you they would do it; you leave the country now or they will murder you, and your wife and children." Mr. Wallace, who had not said anything, then said, "If I was Allen I would not do it. If I was him I would get a half dozen guns, and some friends and guard the house, and kill the first one that comes up." Wilson then turned to him and said, "By God, who are you." He said, "I am Mr. Johnson;" he changed his name. Wilson said, "You had better keep still, for if these men hear you they will kill you." Wallace said, "There is no danger of death." Wilson said, "They will kill you." They got through the inquest in the evening. Wilson came to me about sundown and said, "I am going to have that body buried, coffin or no coffin; I am going to have my fee, and I cannot get it without its being buried." I said, "You cannot bury it without a coffin; he has left somes bales of cotton, and you hold on until the coffin comes." He said, "Will you be responsible?" I said, "Yes," and then he went off. That night some of the parties staid up there and we organized what we called the Grant Rangers while the body lay there in the next room. Sunday morning I had my son catch my horse, and I came on to Monticello, four miles from there, and dropped a letter in the post-office to General Lewis and Colonel Sibley here in Atlanta. I then went on to Eatonton, staid there until Monday evening at 2 o'clock, and took the cars and came on to Macon, where I had an account published in the paper. I then came on to Forsyth, and there Mr. Wallace and I organized another club of Grant Rangers. I then came on here, and

talked with General Lewis and Colonel Sibley. I then went down to Madison and met Joshua Hill. I told him some of the circumstances. He said he had heard of it and asked me what I was going to do about it. I said, "I am going back home, my family is there, and all that I have in the world is there; I have done nothing wrong, and I am going back there." Said he, "Allen, you are a good fellow; but you are going among mighty bad men if you go back there; it is hard, but if I was you I would go back." That was about 10 o'clock. At 2 o'clock Mr. Hill sent for me to come to his house, and I went. He said, "I see you have published that thing in Bryant's paper in Augusta." I said, "I have." He said, "Then I think you had better not go back there, for they will kill you right in the day-time." I staid there until two days before the election for President. I said to him, "I am going to vote for President sure." He said, "You can vote at Atlanta; if I was you I would not go back there, and stay there; if you had not published this thing maybe you could have got along very well." I came back here and voted for President. I bought a little place here and built a house for my family, whom I did not see until the 18th of January afterward. I was called to the care of a church at Marietta; I did not give up my residence, for I was confident I would be put back into the legislature. I never voted here except for President, and I never paid any tax here. When our time was out I went back there last year and they nominated me again.

Question. Which party nominated you?

Answer. The republican party, the colored men. We did not poll but three votes for General Grant in that county out of nine hundred and odd votes. There were nine hundred and sixty colored voters there, and about six hundred white voters. There were three votes polled there for Grant, two by colored men, and one by a white man. They wanted to get me away from there before the Presidential election. I was nominated against my will. I and Mr. H. M. Turner made a couple of speeches there. We had tickets struck off in Macon, and I went back and staid until the election. The day before the election two men came to my brother-in-law's shop and said they wanted to talk with me. I said, "Well, now is a good time." They said, "We want to go to your room." I said, "No white man shall go to my room; I am guarded; you are aware of that, and you cannot blame me, for you know what occurred here." They said they did not blame me, but would rather see me privately. I said, "Say what you have got to say here." One of them said, "I want you to give up the field to us." I said, "I never expect to do it." They said, "We will give you about what you would make if elected." I said, "I have the car on the track, and I will run it into the depot, so help me God;" just that way. They said, "You will be beaten." I said, "I cannot help it; I am going to run, and if I am beat, I will not be the first man that was beat." That night I was at my brother-in-law's, and had some six or eight men guarding me. They came there and shot all around the house; shot and bullets fell all around the house. I went to the polls to vote the first day, and carried about a hundred men with me. When I called my name Judge Williams said, "Allen, you cannot vote unless you take the oath." I said, "What is it?" He said, "You cannot vote unless you take an oath that you have been living in the county for six months, and have paid all your taxes." I thought at first I would take the oath, but afterwards I thought I would not take it. I said, "I will not swear that I have lived in this county for the last six months; but I will swear that I was obliged to leave the county because they killed my brother-in-law; and that I have paid taxes in no place else; I voted for President." I understood there that they were going to put me in jail if I had voted. I staid there until the second day of the election, when they drove me off.

Question. How was that?

Answer. Two young men met me as I was at dinner, and asked who I was. I said, "My name is Allen." I looked around and white men were standing all around there. They talked awhile and said, "You make a pretty good representative; we want to see what kind of man you are." I got frightened and went off from there.

Question. How many votes did you get?

Answer. They beat me sixty votes. I am very glad I did not get elected, for if I had been I could not have staid there, and they would have turned me out as soon as they met.

Question. Suppose you had had a fair election?

Answer. I would then have beaten this man as before.

Question. They wanted you to take this oath, and then if you had done so they were going to arrest you and put you in jail?

Answer. Yes, sir; and when they get a man in jail here, that is as good a place as they want him.

Question. Why so?

Answer. They would just go there and demand the keys from the jailer, and take him out and kill him.

Question. Did you see any of those men that came to your house that night?

Answer. No, sir; I did not see one of them. It was dark out of doors.

Question. Have you any reason to believe who the parties were?

Answer. Yes, sir; I have always had my ideas who some of them were, but I could not swear to them, and would not undertake it now. I have always believed that I knew who a great many of them were.

Question. What was the verdict of the coroner's jury?

Answer. That he came to his death by gun-shot wounds in the hands of unknown parties. The foreman of the jury testified that they did not kill the man they were after; that they were after Allen. I was standing right there and said, "That is true."

Question. Has there been any attempt made to discover who the perpetrators of that murder were?

Answer. I think after I left there they had a regular court. They had my wife and his wife and a great many others, and they wanted to make out that he and I had had a falling out, and that I did it. They tried to make his wife believe it.

Question. Did they circulate that report?

Answer. Yes, sir. Mr. Hill was over there at the court, and came back and told me, and said it was a shame.

Question. They charged that you had done it and run off?

Answer. Yes, sir. Yet he and I were just as friendly as I and my wife were.

Question. The only investigation they made was the one in which they attempted to fasten the deed upon you?

Answer. Yes, sir; that is all.

Question. What do you know about this organization of men that they call Ku-Klux?

Answer. I have never seen one in my life; I have seen a great many people who have seen them. I have a Ku-Klux letter here that I got on the day of the election for the constitution.

Question. Will you read it?

Answer. Yes, sir; this is it?

"To THOMAS ALLEN, (*Freedman:*)

"Tom, you are in great danger; you are going heedless with the radicals, against the interest of the conservative white population, and I tell you if you do not change your course before the election for the ratification of the infernal constitution, your days are numbered, and they will be but few. Just vote or use your influence for the radicals or for the constitution, and you go up certain. My advice to you, Tom, is to stay at home if you value your life, and not vote at all, and advise all of your race to do the same thing. You are marked and closely watched by K. K. K., (or in plain words Ku-Klux.)

"Take heed; a word to the wise is sufficient.

"By order of Grand Cyclops."

Question. Where did you get this?

Answer. It was dropped in the shop the morning of the election, when I was running for the legislature. I showed it to a great many men in town; I showed it to Colonel Preston, a friend of mine. He asked where I got it, and I told him. He said, "Tear it up." I said, "No, it may be of service to my children if not to me." He said, "You need not talk so slack about it; there may be heaps of Ku-Klux in the State, and they might get hold of your talk."

Question. What have you known of the operations of that sort of people, more than you have stated here?

Answer. As I have said, I have never seen any one disguised at all. In fact, I never went out much of nights, only to church and back. After they got after me I came away from there.

Question. Have you heard of their operations in other parts of the State?

Answer. O, yes, sir, I have heard of them all over the State. I heard of a Mr. Goldsboro who was whipped nearly to death. And an old man by the name of Terry and seven of his sons were murdered in Warren County, all but one; one was thrown into a brush heap and burned.

Question. Were they colored people?

Answer. Yes, sir.

By Mr. BAYARD:

Question. When was that?

Answer. Since the emancipation. And I know of Mr. Ayer, a member of the legislature, who was killed; and Mr. Ashburn, Mr. Adkins, and various others who have been killed.

By the CHAIRMAN:

Question. What is the feeling of your people in regard to their personal safety?

Answer. They do not consider that they have any safety at all, only in the cities; that is the truth. In a great many places the colored people call the white people mas-

ter and mistress, just as they ever did; if they do not do it they are whipped. They have no safety at all except in a large place like this. If I could have staid at home I would not have been here. I left all my crops and never got anything for them. My wife had no education, and when I came away everything went wrong. There are thousands in my condition.

Question. Is that the reason so many of your people come to the large cities?

Answer. Yes, sir, that is the reason. Mr. Abram Turner, a member of the legislature, from Putnam County, the county adjoining mine, was shot down in the street in open day. He was a colored man. They have elected another in his place, a democrat.

Question. When was he elected?

Answer. Last fall.

Question. He has been killed since?

Answer. Yes, sir, shot down in broad open day. I see his name published in the New Era of this State among the list of members; but another man has been elected in his place. The young man who murdered him got on his horse and rode off. Over in Jasper County two young men went to a man's house and shot him down, and he died instantly. They arrested them and held them for a little while, but soon turned them loose.

Question. Was the man who was killed a colored man?

Answer. Yes, sir.

Question. What was the politics of the young men who killed him?

Answer. They were democrats.

Question. Was he a republican?

Answer. Yes, sir. I knew him very well; he was a good man, a harmless man; I married him to his wife.

Question. Do the people of your race feel that they have the protection of the laws?

Answer. By no means.

Question. What is their hope and expectation for the future?

Answer. They expect to get protection from the Federal Government at Washington; that is all. You ask any one of my people out there, even the most ignorant of them, and they will tell you so. I will tell you what Captain Bartlett remarked to me once, in the streets of Monticello. He is a democratic lawyer, and a young man. A white man was murdered by a negro who caught him in bed with his wife. He went to the door, and his wife would not let him in. He went to the window and broke in, and he killed the white man. They arrested the colored man and put him in Eatonton jail. There is no jail in Monticello, for General Stoneman burned it up. When his trial came off, they convicted him. Colonel Bartlett was defending the negro. I asked him how it would go. He said that he should be cleared; "But," said he, "we have just gone through an election, and you cannot get justice out of that jury." They convicted him, and the gallows was put up for his execution. The Governor commuted his sentence to imprisonment in the penitentiary for life. Captain Bartlett said, "I will do the best I can, but we have just gone through an election; the negroes have voted the radical ticket, and I cannot do much for you." I believe that many of the jurymen, and lawyers too, are members of the Ku-Klux Klan; I believe it positively; I would say so on my death-bed.

Question. How much have you been over the State?

Answer. I have traveled all over the State.

Question. Have you communicated pretty freely with the people of your own race?

Answer. Yes, sir.

Question. Have you received information from them about the Ku-Klux?

Answer. Yes, sir, occasionally.

Question. In how large a portion of the State do you find reports of Ku-Klux operations?

Answer. I find it in the counties of what is known among us as the Black Belt. Wherever the negroes are in the majority, there the Ku-Klux range more than in any other places. Up in Cobb County they are very peaceable. The democrats are always elected there to the general assembly. The whites have about seven hundred majority. The colored people get along splendidly there. In those counties where the whites are largely in the majority, the colored people get along very well; but go into the counties where the negroes are in the majority, and there is always trouble; for instance, in Monroe County, or Warren County, or anywhere in the Black Belt, there is always trouble between the whites and the colored people.

Question. Are the colored people riotous in disposition? Are they inclined to make trouble?

Answer. I suppose the colored people are as peaceable as any people in the world. The colored people of Madison, when the white people went to the jail and murdered a man there, could have burned up the town and killed all the white people there.

Question. What was the man charged with that was murdered?

Answer. I heard that he had tried to commit a rape on a white girl. In the county of Green, Abram Colby was whipped nearly to death. He was always a good man, and

so considered until he took part in politics. Colonel William A. Lofton, a democratic lawyer, sent for me at one time. He is a perfect gentleman. I do not think he would stoop so low as to go about with the Ku-Klux. He sent for me to come and see him, and I went into his parlor. He said, "Allen, I want to have a long talk with you." I said, "This is not the day for it; I am now on my way to baptize some persons." He said, "Have you any Union League here?" I said, "Yes, sir." He said, "Who is the president of it?" I said, "I am." He said, "Was not that Mr. Eberhart's business here the other day?" I said, "No, sir." He said, "Where did you get your idea of it?" I said, "In Macon, from a southern man. Mr. Eberhart came here to see me about school affairs." He said, "I advise you to quit the Union League from to-day; if you will do it and go on and preach the Gospel, you will always have friends in this country; but if you stay in that Union League and get the colored men of this county to go into it, you will never be liked in the county again." I said, "I cannot help it; you know the colored people now have the right of suffrage; they are ignorant people, and somebody must teach them. It is reasonable to presume that they are going to hold on to the party that freed them." He said, "You can do more good here preaching than doing anything else, and you had better let politics alone." I said, "I will see you some other day." He said, "I hope when I see you again you will have changed your opinion, and will give your documents up to me." I said, "I will not do it." It went on until I was nominated for the lower house of the legislature. I met him in town one day, and he said, "Allen, you are running against Eli Glover." I said, "Yes." He said, "You will be very badly beaten." I said, "I cannot help it." I told Mr. Swansey, who asked me if I had any idea who did it, that I had. He said, "How do you feel toward that man?" I said, "If I knew who it was I would not hurt him; for a man who would condescend to try and murder me at night I would not hurt him." He said, "You must be a Christian." I said, "I hope I am."

Question. Have you ever known anybody to be punished in Cobb County or in Fulton County for mistreating a colored man?

Answer. I have not attended court here. I was in court in Cobb County, where they had a colored man in jail last winter who was suspected of burning a gin-house. They had him in jail until he was frost-bitten. They tried him about the first of the spring; I happened to go into the court-house when I was up there. They cleared him, and turned him loose. That was the first case I ever knew where a colored man was cleared and turned loose.

Question. They kept him in jail until he was frost-bitten?

Answer. Yes, sir; his lawyer made a point of that. He was kept there until he was frost-bitten, and both legs had to be cut off, and he was of no account to anybody; he was cleared. I have never been in the courts much here in this city, but the people here say they don't get justice.

Question. What is the difference of feeling, if any, between the whites toward the colored people, and the whites toward those white men who are supposed to be radicals?

Answer. If there is any difference, the white people who are called radicals are not liked as well as the colored people.

Question. Who is Mr. Eberhart, of whom you have spoken?

Answer. He was a major general in the Union Army from Pennsylvania. He was State superintendent of free schools. I named one of my little boys after him. They said if he said anything about politics, he should not come back there any more.

Question. The man who said that was one of your best people?

Answer. Yes, sir. I do not think he would stoop so low as to murder any man or anything of that kind on account of his politics.

By Mr. BAYARD:

Question. Mr. Eberhart was superintendent of education and of the public schools in this State?

Answer. Yes, sir.

Question. He was an active politician?

Answer. I never heard him say anything about politics.

Question. What was the complaint about his bringing politics into the schools?

Answer. I was in Macon once in a convention there, and I heard him say that he did not want politics mixed up with the schools.

Question. Did you not say that some complaint of that kind was made against him?

Answer. Mr. Lofton asked me if I was a member of the Union League, and I said I was. He asked if that was not Eberhart's business in the county a few days ago, and I said no, that he had come there about the schools.

Question. What was his comment upon Eberhart?

Answer. He simply wanted to know if Eberhart came over there to establish a Union League.

By Mr. SCOFIELD:

Question. After you told him that, what did he say?

Answer. He said that he thought he came for that purpose, and if he had he did not intend to have him come into the county again. I went to the hotel in the morning and met him; he knew me, and he had made a speech there.

By Mr. BAYARD:

Question. What was his speech about—on politics?

Answer. On education, and how best to get along. Mr. Lofton met me at the hotel and said, "Allen, you are going to have a speech here." I said, "Yes, sir." He said, "What is the nature of it—politics?" I said, "No, I do not think anybody will talk about politics on Sunday."

Question. Is Mr. Eberhart in the State now?

Answer. No, sir; he left here very early after that. He was suspended from the bureau on account of some difficulty that grew up between him and Mr. Bryant. He had an estate left him in England of half a million, and he left and went home.

Question. When did he come here?

Answer. Immediately after the war.

Question. How long did he stay?

Answer. One year.

Question. And was appointed superintendent of education in the State?

Answer. Yes, sir.

Question. And he remained until he had some difficulty with the agent of the Freedmen's Bureau and was suspended, and then went home?

Answer. Yes, sir. The evening Mr. Eberhart landed at Monticello Mr. Rockwell came with him.

Question. What year was that?

Answer. It was in 1867.

Question. And it was in 1868, in October, that this outrage was committed upon your brother-in-law?

Answer. Yes, sir.

Question. Where was General Meade at that time?

Answer. I do not know whether General Meade or General Terry was in command at that time; if General Meade was in command he was here.

Question. One of those two generals was in command of the State at that time?

Answer. Yes, sir.

Question. Were there any troops in the State?

Answer. There were none in my city; a few were sent down at the Presidential election.

Question. What was Colonel Sibley's position?

Answer. He was not commanding general here then. I do not know what he did; I went before him anyway.

Question. He was in the United States Army?

Answer. Yes, sir.

Question. And he had command of this post?

Answer. Yes, sir.

Question. And you made your statement to him?

Answer. Yes, sir. He said he would send troops to the election, but that I had better not go back there.

Question. Was any investigation made by the military authorities into that crime?

Answer. They made a record of what I said to them.

Question. They were in full possession of the facts you have stated?

Answer. Yes, sir.

Question. Were you present at the coroner's inquest?

Answer. Yes, sir; I was.

Question. You stated there what you have stated here?

Answer. Yes, sir.

Question. You did not identify anybody on account of the darkness of the night?

Answer. No, sir.

Question. You had suspicions as to who the persons were?

Answer. Yes, sir.

Question. That is the extent of your knowledge upon the subject of that outrage?

Answer. Yes, sir.

Question. When you spoke of organizing Grant Rangers on the very night that your brother-in-law lay dead in the next room, what was the nature of that organization?

Answer. We had a charter, but I do not know that I could give you the details now. We organized with a president and two or three vice-presidents, one for each district in the county. We were to have meetings similar to the Union League. We found

that they had got so many into the Union League that it would do no good. It was for the purpose of training colored people how to vote.

Question. It was to be established in each district of the county?

Answer. Yes, sir.

Question. Was it to extend all over the State?

Answer. Yes, sir.

Question. Who was to be the head-center of the organization, the head officer of the State central organization?

Answer. I do not know; I cannot tell you.

Question. Did you have a regular ritual, a charter, by-laws, &c.?

Answer. Yes, sir.

Question. Did you have an oath to be taken by the members?

Answer. If we had an oath it was only an obligation to support good Union men for office.

Question. Were you sworn in that way?

Answer. Yes, sir.

Question. Every person that joined it was sworn in?

Answer. Yes, sir.

Question. And your doings were to be kept secret except from your members?

Answer. Yes, sir. And the obligation was that we should support none but good Union men; to hurt no one at all.

Question. That was to be, throughout the State, an oath-bound society?

Answer. Yes, sir; we could organize with nine men.

Question. You went through the State and organized these Grant Rangers in various places?

Answer. Yes, sir.

Question. How many of these lodges did you yourself organize?

Answer. I did not organize but two or three Mr. Wallace was the man to do it.

Question. Is he a white man or a colored man?

Answer. He is a colored man; a State senator.

Question. He was to be more active in the matter than yourself?

Answer. Yes, sir.

Question. He proceeded to organize them all over the State?

Answer. Yes, sir.

Question. Now about these Union Leagues. When were they first organized?

Answer. I cannot tell. The first I ever was in was in Macon, before the election in 1868.

Question. Were you initiated in the Union League?

Answer. Yes, sir; in Macon.

Question. Who initiated you?

Answer. A man by the name of Markham, and a man by the name of James M. Sims; he was a member of the legislature.

Question. Were those organizations formed upon a similar system with that of the Grant Rangers?

Answer. Yes, sir; about the same thing. We were to support nobody but good Union men for office. That was about the strength of it.

Question. Were you bound together by oaths?

Answer. Yes, sir.

Question. And the affairs of those societies were kept secret, except from their members?

Answer. Yes, sir.

Question. And they extended throughout the State?

Answer. Yes, sir.

Question. The society was organized for political purposes?

Answer. Yes, sir; we held our meetings once or twice a week, as we wanted.

Question. You held your meeting secretly among yourselves?

Answer. Yes, sir.

Question. Was that order confined chiefly to the colored people throughout the State?

Answer. There were some white people in it. Mr. Markham was a white man. I suppose we had five hundred members in ours; there were no white men in it.

Question. Where was that?

Answer. In Monticello, right in town.

Question. What vote was polled in that county?

Answer. The colored people polled nine hundred and sixty votes, and the whites about six hundred. At my election I beat the man I ran against a hundred and thirty votes; I disremember precisely the number of votes polled; but I recollect that at the presidential election General Grant did not get but three votes in the county, two colored men and one white man.

Question. The persons who joined that society were sworn to support none but Union men as candidates for office?

Answer. Yes, sir; but after they killed my brother-in-law, the colored people were afraid to vote.

Question. I mean that the members of that society were sworn not to vote for any but such men?

Answer. Good Union men.

Question. When did this paper come into your posession which you say was served on you?

Answer. When I was running in 1868. It was found in the shop on the first day of the election. We kept in the shop our votes for the colored people who could not read.

Question. You say this was found in the shop on the first day of the election?

Answer. Yes, sir; the young man who owned the shop found it and handed it to me. I read it and showed it to the Yankee officers who were there.

Question. The election was conducted in the presence of the military?

Answer. Yes, sir.

Question. Do you know where that paper came from?

Answer. I have no idea; I examined it to see if I knew the handwriting, but I did not.

Question. Have you ever tried to find out in whose handwriting it is?

Answer. Yes, sir; I have tried, but I could not find out.

Question. You do not know who wrote it, where it came from, or anything about it?

Answer. No, sir.

Question. It was found in the shop?

Answer. Yes, sir; it was in an envelope.

Question. Where was it found?

Answer. It was found right at the door; it was poked under the door.

Question. Who found it?

Answer. Asbury Kitchen found it and handed it to me.

By the CHAIRMAN:

Question. I understand you to say that the Union League was a secret political organization?

Answer. Yes, sir.

Question. An organization among those who were Union men for the purpose of seeing that their political strength was given to that classs of men?

Answer. Yes, sir. If a man came in there who did not declare that he would vote for Union men we would not have him.

Question. And the Grant Rangers were substantially the same?

Answer. About the same thing; it was only to take the place of the Union League. The colored people who belonged to the Union Leagues told a great many things about it; they could whip it out of them. We wanted to change the name.

Question. Have you found it necessary to have some sort of organization among the colored people to prevent them from being imposed upon and prevented from voting their real sentiments at elections?

Answer. Yes, sir.

Question. You found it necessary to have an organization to render their right of suffrage efficient and practical?

Answer. Yes, sir. In all those counties of course the colored people are generally very ignorant; the best of us are ignorant, but some know more about things than the others. In my county the colored people came to me for instructions, and I gave them the best instructions I could. I took the New York Tribune and other papers, and in that way I found out a great deal, and I told them whatever I thought was right. I said to them that I thought they had been freed by the Yankees and Union men, and I thought they ought to vote with them; to go with that party always. They voted just as I voted. I told them how I was going to vote, for the constitution, for Governor Bullock, for General Grant, and that I wanted them to vote as I voted. At the election for the convention I met a Methodist preacher, who was from Vermont; he had been here twenty-five or thirty years. After the election I met him, and he said, "Allen, your people have voted." I said, "Yes, sir." He said, "For the first time in their lives." I said, "Yes, sir." He said, "They never ought to vote again." I said, "I think they ought." He said, "I doubt very much if they ever vote again; but if they do, I want to give you one piece of advice; whenever they get ready to vote, you count the number of negro voters, then take a bundle of tickets and throw them into the ballot-box, and let the colored people stay at home and work. I said, "Why?" He said, "Because they vote just as you tell them." I said, "That is what I want, for I tell them just how they ought to vote." Said I, "That is the way you want your men to vote; you would have every one of us vote the democratic ticket for you." He said, "You have just as much right to vote as that horse." I said, "You claim to be a minister, and so am I, but I do not think you told the truth when you said that horse has as much right to vote as a man." He said, "I can make that horse take a ticket and carry it up to the ballot-box and drop it in there." I said, "You cannot do it; you

may make a circus horse do it, but you cannot make that horse do it." A great many of the colored people are still ignorant. They think this committee is the United States court. Some of them want to come here before this committee and get the committee to help them get their children. One woman told me that she had a child out at Gainesville, and that she supposed this court, as she called it, could get that child for her. They are very ignorant yet.

Question. You have been asked something about schools; how is the school matter regarded in this State?

Answer. I believe the sentiment of the people is getting to be very good about schools. In my county there never has been any trouble. The white people there seem to advocate it, and we went to work there directly after schools came about. Mr. Talmadge, a democrat, and a very clever man, gave us a piece of ground, and we built a log-house and got a democrat to come down there and teach us; after Mr. Eberhart came there, the Government paid him for it. The sentiment in my county is very good about schools. I heard one colored woman here say that they burned a school-house in her county not long ago. But I think the white people throughout the State are in favor of education.

Question. How about the colored people?

Answer. I am sorry to say that they are getting sort of cool about it; they do not know the value of education. In regard to Sabbath schools, you have to talk and work to get them to send their children. Where they know anything about it they send their children to schools. They come in at first by the thousands, and then it is a kind of drag. They do not know the value of education.

Question. Is that the case with all your people?

Answer. O, no. I mean with the most ignorant. There are some of them here that are being graduated at the university here. When we had an examination at the close of the last term, Governor Bullock and Governor Brown and a great many men went out there, and they admitted that they were getting along just as well as white people.

Question. In what part of the State do you find that the greatest ignorance prevails among your people?

Answer. Generally on large plantations, where people never see anything; where they have been kept down like cattle and horses, bought and sold. A great many of them have been raised on a plantation, and have never seen anything of the world. I heard Mr. Turner say in a speech that if they got into the middle of a plantation they seemed to think that they were right in the middle of the world. Whenever you find any who have been raised with white people as body servants and house servants, they have a great deal of sense. Wherever you find any who have had any chance to enlighten their minds you will find some of the most intelligent; but on the large plantations you will find the most ignorant. The association in this State that I am a member of have about a hundred and eighty churches and about a hundred and thirty ministers. Some of those ministers are educated, and some are ignorant.

Question. Are they all colored?

Answer. Yes, sir.

Question. What is the feeling among your people in reference to having their schools and religious associations to themselves; do they prefer to have them of their own color alone or with the white people?

Answer. Most of them prefer to have them to themselves. There are two classes of people here; there are several sects in this State. There is a class known as the Southern Methodists; Bishop Pierce presides over them; a very small portion of the colored people have never gone off from the whites; they are still subject to the jurisdiction of that white conference. But another class have just had their conference here last week; they are known as the Northern Methodists. People from the North and the colored people here generally hang together. But I believe there are no Baptist churches in the State that are mixed. Then there is the African Methodist church.

Question. That church is larger than the Southern Methodist or the Northern Methodist, so far as the number of colored people are concerned?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You say your father was a white man?

Answer. Yes, sir.

Question. You say that there is a better feeling growing up in the State in favor of education?

Answer. Yes, sir.

Question. That feeling extends to both races, white and black?

Answer. Yes, sir; and I am proud to say it, for when they were first emancipated there was a heap of prejudice against them.

Question. Is there a better feeling growing up in the State?

Answer. Do you mean in regard to education?

Question. Yes.

Answer. I think there is.
Question. You do not include anything else but education?
Answer. No, sir. Political affairs are getting worse every day. They never bother us about our religious sentiment at all. In the darkest days of slavery we could worship as we pleased. I used to preach to them then, but we always had to have one or more white men at our meetings.
Question. Your Union Leagues were organized in 1868?
Answer. Yes, sir.
Question. Although you joined it in 1868, were you not informed that Union Leagues were organized some time previous to your joining them yourself?
Answer. I heard of them prior to that time.
Question. That was before any voting was done in this State after the war?
Answer. Yes, sir.
Question. When you organized the first Grant Rangers in the house on the night when that murder had been committed, did you do it under the influence of a great deal of feeling?
Answer. I did it with this feeling——
Question. I presume you felt very much exasperated and shocked by what had occurred?
Answer. Yes, sir.
Question. And instantly started this organization there among your friends?
Answer. I thought it was the best thing I could do.
Question. Did that organization include preparations for the defense of people of your own color?
Answer. I am not prepared to state. Mr. Wallace organized it; I was with him. I told him the men I thought would be best for managers of it; I was going to leave the county. That organization was to take the place of the Union League; only the name was changed.
Question. This act of violence having been committed, was it to be an armed organization if necessary?
Answer. No, sir; there was no arming mentioned at all; but they were to try and elect the President.
Question. Were you combined by force to defend yourselves; that is what I mean?
Answer. No, sir; I do not think there was anything of that kind meant.
Question. Was your form of oath printed?
Answer. Yes, sir.
Question. Have you got that oath?
Answer. I did not take it.
Question. Mr. Wallace had it?
Answer. Yes, sir; he was to go from there and organize others, as I understood.

By the CHAIRMAN:

Question. He came there by previous arrangement?
Answer. Yes, sir.
Question. It was his intention to have had a public meeting there?
Answer. Yes, sir. He was going to speak in town that night, and then we were to organize and get as many in the club as we could.
Question. The killing of your brother-in-law broke up the meeting?
Answer. Yes, sir.
Question. Has there been any armed organization among the colored people in this State?
Answer. No, sir.
Question. You think the condition of political affairs here is getting worse?
Answer. Yes, sir.
Question. What do you mean by that?
Answer. I mean that a colored man would not dare to say now what he could say two years ago; if he did he would stand no chance.
Question. What would be done?
Answer. They would murder him, or run him out of the county, as they did Mr. Turner.

By Mr. BAYARD:

Question. When was that?
Answer. About six months ago.
Question. Where?
Answer. In Eatonton, Putnam County.
Question. In a public town?
Answer. Yes, sir.
Question. By whom was it done?
Answer. By a man of the name of Reed.

Question. In broad daylight?
Answer. Yes, sir.
Question. Was he disguised?
Answer. No, sir. This Reed just rode up to him and shot him.

By the CHAIRMAN:

Question. Have you told us all that you know about this matter?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 26, 1871.

ANDERSON FERRELL (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I will be forty-five years old next February; I was born in Monroe County, in this State, and I now live in this city.
Question. How long have you been here?
Answer. I have been here ever since Christmas.
Question. Where did you come from when you came here?
Answer. From Troup County.
Question. How long had you lived there?
Answer. My master moved to Troup County about the time I was four years old, and I lived there until last Christmas.
Question. Do you know any people in that county called Ku-Klux?
Answer. I know some there who have been Ku-Kluxing.
Question. What do you know about them?
Answer. In the first place, I know I was Ku-Kluxed among them.
Question. When?
Answer. On the 28th day of last May, twelve months ago.
Question. Tell us all about it?
Answer. In the first commencement of it I was asleep; I did not know when they came, or how they came. My wife came to the bed and said to me that the house was surrounded by men, and that they wanted to search the house for Charley Ramsey. He was a colored man who had killed his wife a few days before that, and they had taken him and put him in jail. They said that he had broken out of jail, and they had an order to search every house in the settlement. I got up and they came to the door and hollered to me to make up a light. I told them there was no fire in the house at all. Another boy got a light, one of my sister's sons. One of them said, "Anderson, we don't intend to interfere with you at all; open the door and let us in." I said, "I will, as soon as I get my pants on." My wife had not gone to bed; she was ironing. I opened the door; it would not come more than half way open, as it would hit upon the floor. One of them said, "Anderson, there will be no disturbance here; nothing shall be interfered with if you are willing to let us search your house; Mr. Calloway [Mr. Calloway is the justice of the peace] told us to be particular and not disturb you too much, as you were here attending to Mr. Ferrell's business." My wife said, "Anderson, go and open the door." I went to the door, and caught hold of the knob, and fetched it open, and said, "Come in, gentlemen." They came in; some had pistols in their hands, and one of them was disfigured. He was a young man, but he had a false gray mustache on his lip; I thought I knew him. There was another young man who lived at the same place where I thought this young man lived. I asked him if that was not Mr. Hutchinson. He said nothing, and I asked again, and he shook his head. They searched my house all over. There were four rooms in the house. They went to the other room, and they said, "Don't be alarmed, Lucy." I said "Lucy, where is the key?" I opened the door and said, "This is the doctor's room, where he stays at night when he is here." They went in there and searched the room. They came back and went into another room. Then they wanted to go into a room where the doctor kept some ginned cotton—a kind of a store-room. I said, "Be very particular how you do there; there is ginned cotton in there." They said, "Don't fetch the light in; stand at the door with it." I did not mistrust anything in the world. These men searched through the room, and came back. They kept talking, and one of them said, "Isn't there an up-stairs to this house?" I said, "Yes." They said, "How do you get up there?" I said, "By the stairs outside." "Well," said he, "I don't reckon, boys, that he is here; surely he would not come where Anderson is." My gun was lying up in the rack, over the bed. One of them said, "Is that that good gun I heard them talking about?" I said, "I reckon it is." They said, "Is there any harm to look at it?" I said, "No." He took it down, and said, "Does this gun shoot as well

as they say it does?" I said, "I reckon it does." He put it back in the rack. There was some one out of doors who said, "Let me see that gun." The one who put it back took it down, and took it out there. One of the men stuck his finger down the barrel of the gun, and said, "This is a mighty big bore for a gun." I said, "Yes; that is the only objection to it; but it will bring all that I send it after." He went to put it back, and then said, "He told us to take every gun from a nigger, but you can come up to-morrow and get it." I said, "Be careful; that left-hand barrel has had a load in it ever since last Christmas, but the right-hand barrel is all right." He said, "Have you a pistol?" I said, "No; I have no use for a pistol." They all seemed to know me, but I did not find out any one of them. One then called me out of doors, and said, "Anderson;" and I knew his voice at once. He said, "Come here; I want to see you." I supposed they wanted me to look for the fellow. He said, "Where is your pistol?" I said, "I have none." He said, "I heard that you had a six-shooter." I said, "I never had a pistol in my life." He said, "You don't mind being searched?" I said, "I don't." He said, "Search him, George." He searched me, and ran his hand into my pocket, and said, "There is nothing but keys." I said, "Yes; nothing but keys." He ran his hand into my other pocket, and when he went to draw his hand out he closed it on my knife. I caught hold of him and said, "That isn't a nigger or a pistol." He jumped back and drew his pistol, and said, "I will shoot you if you punch me again." I said, "I will do it worse than that if you undertake to take my knife away again." Mr. Morris then said, "I will tell you what we came here for; it was to teach you the difference between a white man and a nigger." I said, "Mr. Morris, I know the difference." He said, "Don't call me Morris." I said, "Ain't you Morris; do you deny your name?" He then said, "You come with us." I said, "I am not going a step; I will die right here first." At this time a man in the house asked my wife where the keys of the trunks were. She said she did not know; and he said, "You get the keys." One of the men outside said, "Don't you go into the trunk." I said, "They don't get in there; I have the keys in my pocket; there is no nigger in the trunk." Morris said, "You say you will not go?" I said, "No." He said, "Sit down." He went around the house, and when he came back he struck me with a stick. I straightened up and started toward him, and he shot me; and the ball struck me right on top of the head. He said, "You won't go, eh?" I said, "No." I then heard the crack of a pistol, but I did not feel anything. I heard something falling on my shoulder, but I thought it was pitch; I put my hand up and I found it was blood. I said, "Mr. Morris, what did you shoot at me for? You hit me." He said, "God damn you, I aimed to hit you." I threw my hand toward him, that had blood on it, and said, "I wish I could throw it on you." I began to go back then, and he said, "Stand! You come here like white men and try to get everything." He then said, "You will not stand?" I said, "No!" Something hit me in the ankle, and I got around the corner of the house and put. I saw Mr. Yarboro, and I told him what had happened, and that I wished he would go there and see if he did not know some of them, for I did not know but one. He said, "Did you know any of them?" I said, "Yes." He said, "Who was that?" I said, "I will not tell you." I then said, "Loan me your rifle; they took my gun, and I will go down there and mark one so that he will be known." He said, "I will not do it; my rifle is not in the proper fix." I then began to think of my wife and children; I turned around to go back, and as I got nearly to the lane, I heard somebody talking; I was in the woods, and they were in the road; it was a cloudy night, but the moon gave a little light through the clouds; I dodged back into the bushes until the crowd passed on; just as I got to the yard, I saw a woman come around the house, tracking me by the blood. Just as I got to the corner of the house, my wife found a great big puddle of blood, and she screamed out and hollered, and said, "They have killed my dear husband and dragged him off." She began to holler so that I said, "Who did they kill, Lucy?" She said, "I thought they had killed you." That astonished me, and I went there to see the puddle. I said, "Where is Flora?" She said, "Before they got to the house I heard a pistol once." Said I, "I blame you for this; if you had told me about their firing a pistol they would not have got in. They killed the dog when they fired that pistol, and then they dragged her off." I said, "I am going to follow them; I know one, and I am going to try and find out the balance." I asked a young man who came on over there if he would go with me, and he said he would. I went down to the river and found the flat on this side, so I knew they had not gone across. I turned around, came up, and took the road and came up with them again; I liked to have got on to them before I knew it. I waited to see where they were going. They went on to one of Mr. Cameron's quarters. I woke up Mr. Cameron and told him what had happened. He took his pistol and asked two of his men to go with him, but they refused to go, for they were afraid. I said, "Mr. Cameron, I would go with you, but you see what condition I am in." He said, "I don't want you to go with me." Another man came up and said, "I will go with you, Mr. Billy." They went on in the road and I went on in the field by the side of the road. These men went into one of Mr. Cameron's quarters. I saw Jim Harris, and knew him by the light; I did not know him when he was at my house. They came out and met Mr. Cameron, and said to him, "Halt!"

He walked up and said, "Halt yourself." He walked up to Jim Harris and said "Jimmy, what are you doing here to-night?" He did not say a word. One man said "Where's the captain?" The captain said, "Forward, march." They walked off without making any reply to Mr. Cameron. This was near day. I saw them go back to the flat, and go across the river. I just went home and lay down and took a nap of sleep; when I woke up I could not walk, my ankle was so sore.

Question. How many were there of them all?

Answer. There were ten of them.

Question. You knew two of them?

Answer. I did not know but one at my house, and then one afterward at Mr. Cameron's quarters.

Question. Have any of those parties been arrested or dealt with by the law?

Answer. Yes, sir; they arrested Mr. Morris, Mr. Harris, and Bill Phelps.

Question. What was done with them?

Answer. They turned them out. The way they came to arrest them was this: My boss, Dr. Ferrell, and Judge Ferrell, both came down on Tuesday. They asked me what the matter was, and I told them. Said he, "God damn it, why didn't you come up and let me know it?" I said, "The reason why I did not do it was that I never thought any such difficulty as this could happen on any man's plantation without he knew of it beforehand." Said he, "Damn it, if I don't show you whether I knew it or not; I will take it in hand myself. Are you not going to take out a warrant?" I said, "No." He said, "Why?" I said, "So many cases of this kind have happened, and the negro always comes out of the worst end of the horn, I will not do anything about it here; but as soon as I can get to headquarters, I will go and report it." He said, "We will handle it right here." Said I, "I shall see it when you do it." He took out a warrant, and undertook to prosecute the case, and had these men brought up and the witnesses fetched up. But they began to swear for one another, and to prove that they did not leave home. Mr. Blunt ordered them to be committed to jail, or give bond and security. They could not get anybody to go their bond, and they put two of them in jail. Mr. Morris spoke to Mr. Banker to go his bond, and he refused to do it. He then took him out one side and talked with him, and then he went bond for him.

Question. Were they ever tried?

Answer. Yes, sir; they were tried, and there was a true bill found against them; they carried me as a witness up before the grand jury. The bill was found, and went down in the lower part of the court-house, but they never would carry it before the judge. I saw they never intended to do me justice, and I just came away.

Question. Who is the judge there?

Answer. Judge Wright, I think, is his name.

Question Does Judge Caldwell live there?

Answer. He has a house and lot there, I think.

Question. Is he not a judge down there?

Answer. No, sir; I never heard of his being a judge ther

Question. That is the county he lives in?

Answer. Yes, sir; his family is there at La Grange.

Question. Did he run for Congress there?

Answer. Yes, sir; he did, once.

Question. Ran against Mr. Bigby, who was elected?

Answer. I do not know who he ran against.

Question. How many other cases of whipping and shooting by the Ku-Klux have you heard of in the same county?

Answer. O, Lord! I could not tell you from now until to-morrow all that I have heard of. I have known several, but as for those I have heard of, I could not tell how many.

Question. Have you ever heard of any one being punished for it?

Answer. No, sir.

Question. Why not?

Answer. Why, a colored man would as soon dare get up there against a white man as he would to spit in another man's face. They are afraid and scared. I say I am a friend to the Ferrells, and I love them like brothers; but they went back on me.

Question. They did not stand up for you?

Answer. No, sir; they did not.

Question. You are living here now?

Answer. Yes, sir; I could not live anywhere else.

Question. When did you come here?

Answer. Last Christmas.

Question. Have you been back in Troup County since?

Answer. No, sir; they have written to me to come back; Judge Ferrell has been here and tried to get me to go back. He said I ought to go there and attend court in June. I said, "No; I could not succeed when I was there, and I shall not pay out the

little I have made to go there for foolishness." He said that if I did not go there next month, the thing would be thrown out entirely.

Question. Why not go down?

Answer. Well, sir, I heard of this committee coming here, and I thought I would come before the committee before I went there.

By Mr. BAYARD:

Question. Do you know that Judge Caldwell holds court there in that county?

Answer. I never saw him hold any court there.

Question. Who is the judge there?

Answer. I think it is Judge Wright.

Question. You went before the grand jury with your witnesses, and they found a true bill against these men?

Answer. Yes, sir.

Question. The bill came down, and they were regularly brought up for trial?

Answer. No, sir.

Question. How long did you wait after the bill was found before you came away?

Answer. It was found in November, and I came away on the 3d day of January.

Question. Who is the prosecuting officer of that county, the solicitor?

Answer. I do not know him.

Question. What is this notification you have had about going down and appearing against those men?

Answer. Judge Ferrell said to me, "Haven't you and those men compromised this thing; have they not paid you damages?" I said, "No, sir." He said, "They are anxious to settle this thing and to pay you for all damages." I said, "I staid there until I tried the courts, and they did not mention it." He said, "They will pay you for taking your gun, killing your dog, shooting you, and alarming your family, and you ought to have fixed that up before you came away." I said, "Massa Blunt, what would you ask to be in my fix that night?" He sort of laughed, and said, "I would not have been in that fix for ten thousand dollars." I said, "If they will give me that I will make up my costs myself," He said, "I will do all I can for you."

Question. When was this conversation?

Answer. Since June.

Question. You would not state what sum you would take for the damages they did you?

Answer. I did not state it because they never said anything to me about it.

Question. You did not suggest to Judge Ferrell any sum that you would take?

Answer. No, sir; I did not tell him what I would take. I told him that I wanted the law to have its course, to have the men dealt with justly.

Question. You wanted the men punished?

Answer. Yes, sir.

Question. You did not care about their paying you anything?

Answer. So far as pay was concerned, I wanted the law to take its course.

Question. When is the trial of these men to come off?

Answer. I do not know what time. I wrote a letter down there to my sister, and sent it Monday, to inquire when the court comes on. It is some time next month, so Judge Ferrell said. We have had two trials in court of this thing.

Question. Have you been before the jury?

Answer. Yes, sir.

Question. I do not mean the grand jury, but before a jury of men to try them to see if they were guilty or not guilty of the offense for which the grand jury indicted them?

Answer. I have not been before any jury but the grand jury.

Question. What do you mean by having two trials?

Answer. They tried them last year.

Question. Were there any witnesses examined?

Answer. Yes, sir; they had witnesses and I had witnesses.

Question. Were you there?

Answer. Yes, sir.

Question. Did you give in your testimony?

Answer. Yes, sir.

Question. What was the result of the trial?

Answer. They committed those men to jail, except them that gave bond and security.

Question. They have been held to bail?

Answer. Yes, sir.

Question. Are they under bail now?

Answer. Yes, sir.

Question. And they are to be tried before a jury next month?

Answer. I do not know where they will be tried, or when, but they are under bail.

By the CHAIRMAN:

Question. There has been no trial since you went before the grand jury?

Answer. I do not know what they did with them last June; I was not there.

Question. You went before the grand jury last November?

Answer. Yes, sir.

Question. The next term being in June, you did not go there?

Answer. No, sir.

Question. And you have written to your sister to find out at what time the court comes on next month?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 26, 1871.

W. M. SHROPSHIRE sworn and examined.

The CHAIRMAN. This witness having been summoned at your instance, Mr. Bayard, you will commence his examination.

By Mr. BAYARD:

Question. Are you a native of Georgia?

Answer. Yes, sir. I was born and raised in Georgia.

Question. In what county is your residence?

Answer. My residence is in Rome, Floyd County.

Question. What has been your occupation?

Answer. I have been a merchant, and I am now merchandising in Rome.

Question. Were you summoned upon the grand jury in the circuit court of the United States at its last term?

Answer. I was summoned before the court; I did not give in any evidence before the court at all.

Question. Were you a member of the grand jury?

Answer. I was a member of the grand jury of the superior court of the county in which I lived; I was not a member of the United States grand jury.

Question. I was under the impression that you had been foreman of this grand jury here. Were you summoned before this grand jury as a witness?

Answer. Yes, sir.

Question. In what case?

Answer. I do not know. I was simply summoned to appear before the grand jury; when I had remained here a few days, the court adjourned, and I was discharged.

Question. You were not examined before the grand jury as a witness?

Answer. No, sir.

Question. Were you examined by the United States district attorney, Mr. Pope, or by Mr. Caldwell, his assistant?

Answer. No, sir.

Question. Although summoned as a witness you were never called?

Answer. No, sir.

Question. The object of this committee is understood to be, so far as possible, to ascertain, by personal observation and by testimony, the social, political, and industrial condition of your State. I will ask you, therefore, whether there is, in the portion of the State in which you reside, and elsewhere, so far as you know, a condition of peace and good order?

Answer. Well, sir, there is to some extent. There have been some depredations committed in our immediate county, and I have also heard of like things around there; nothing that I know of my own personal knowledge.

Question. Do you believe that the laws of the State afford generally a reasonable security to person and property where you reside, and throughout the State, so far as you know?

Answer. Well, sir, that is a pretty hard question for me to determine really and candidly. So far as I know of my own personal knowledge, the law is executed there as well as it can be. There are depredations committed, and the parties are not known, and are not got hold of; they get out of the way in some way, so that they are not brought to justice.

Question. Is there any indisposition on the part of the great mass of your community to afford safety to the property and person of every one in your midst?

Answer. I think the great majority of the people are law-abiding people, and are in favor of law and order.

Question. Do you believe you have in your county a greater average of criminals than is usual in similar communities?

Answer. I do not know but what during the early part of this year more depreda-

tions have been committed than usual there. But of recent date, I do not think there have been so many.

Question. But in times past ——

Answer. Yes, sir, in times past. During the fore part of the year depredations were committed throughout the country that I heard of.

Question. Do you know of any organized resistance to the laws of the United States, or the laws of the State?

Answer. I do not know of any of my own knowledge.

Question. Do you believe that your courts of justice and your juries are disposed to award justice to all persons, irrespective of political opinion?

Answer. I do.

Question. Unaffected by the question of color?

Answer. I think that the juries in the county in which I reside would do any party justice.

Question. Do you believe that if a black man was to be wronged in his person, he could reasonably expect of the proper authorities to have the perpetrators of the wrong upon him brought to justice and punished?

Answer. I think so. I think it may be safely said that in our county they would be brought to justice, if the authorities could get hold of them.

Question. What is the feeling of your people in respect to persons coming from Northern States who seek to identify themselves with your population?

Answer. I think they are treated with every idea of kindness, courtesy, and hospitality. I do not think that the majority of the people there, you may say the better class, the property-holders there, are now disposed to encourage anything like lawlessness.

Question. Do you believe that a stranger coming there, a law-abiding man, can meet with the same kindness that any other of your citizens would meet with, and the same success, if engaged in business?

Answer. I think so. It has been my pleasure recently to meet a Baptist minister from one of the Northern States. I cannot now call his name; I was with him in the association, in his company frequently. I heard his speech before that body there, and the sentiments which he said he entertained before he came South, and the different opinion he now had after visiting the South and being with the people here.

Question. State the substance of what he said.

Answer. His remark was that his family physician had recommended him to go South on account of his health, and he had given up his church for the time being His opinion at the time was that it would not be safe for him to come down here. His brother, being a resident of our community, induced him to come, and he said he had never been so agreeably disappointed and surprised in his life as at the hospitality and generosity which the people had extended towards him.

Question. He was a clergyman?

Answer. Yes, sir. I know his name, but I cannot call it to mind just now; he is from Maine.

Question. How long has he been among you?

Answer. I think he said he had been down here two or three months.

Question. Was he in your county?

Answer. Yes, sir.

Question. And traveling in other counties?

Answer. Yes, sir.

Question. And met with kindness everywhere?

Answer. Yes, sir. It was in Polk County that I met him, in the association.

Question. Is not the Baptist religious sect probably the most numerous in your State?

Answer. I think Georgia has more Baptists than of any other denomination.

Question. What do you know of depredations—I believe that is the word you used—committed by bands of armed men in disguise?

Answer. Well, sir, I have heard of some, and have good reason to believe that they have been committed in our county. I have known some negroes who have been abused, some whipped, and some shot, and things of that sort. I do not call to mind any one in the county that was killed, though there may have been some. I investigated one case, and found true bills against the parties.

Question. What case was that?

Answer. A negro who was named Calhoun. I investigated that case closely and thoroughly myself, for I was foreman of the jury before which it came. We thought the evidence was sufficient to find true bills against three parties, and they were arraigned before the court for trial.

Question. What became of that case?

Answer. They were tried and acquitted.

Question. Why were they acquitted; what was the cause of their acquittal?

Answer. I do not know—some technicality perhaps. I know that Judge Harvey is a good man, and will do all in his power to suppress lawlessness.

Question. He was appointed by Governor Bullock?
Answer. Yes, sir.
Question. Who is your solicitor there?
Answer. Mr. Forsyth.
Question. Is he a vigilant man?
Answer. I think so.
Question. He was appointed by Governor Bullock?
Answer. Yes, sir.
Question. Both of these gentlemen do their duty?
Answer. Yes, sir.
Question. Would there be apt to be any failure in their doing their duty toward colored men, or persons who are known as radicals in politics?
Answer. I do not think so; I think they would have equal justice done to them. I am a democrat, and I would not have the least fears to go before them; I would think myself as safe before them as before any two men on earth.
Question. Knowing the sentiments of your own people there, I will ask would there be any difference, before a grand jury or before a petit jury, in meting out justice to a man on account of his color or his politics?
Answer. I think not. I would like to refer you to a presentment of the grand jury there. I presided as foreman of the grand jury for two or three terms. At the close of a term we make a general presentment of the condition of the county. I did not bring it with me; I wish I had done so.
Question. Can you forward it to the committee?
Answer. I can, and will do so with pleasure. I would like to submit that before this committee as a portion of my evidence. It will show the position which I occupied and which the jury with me occupied. [See page 634.]
Question. Was the jury composed of men of various parties?
Answer. Yes, sir.
Question. There were gentlemen on it who were called radicals, and others who were democrats?
Answer. Yes, sir; and from different portions of the county. The judge draws the jury there at the close of the court.

By the CHAIRMAN:

Question. From what does the judge draw the jury?
Answer. From a jury-box, from a *venire* made up by commissioners, who make up a list of jurymen, from which the judge draws out, I think, forty-eight for the grand jury and for the traverse jury. They are all drawn equally; I do not think we have any distinction in our juries between petit and grand jurors, so far as they are drawn. We now draw so many men, and of the first forty-eight enough are taken for the grand jury.
Question. Of how many does the grand jury consist?
Answer. Not less than eighteen nor more than twenty-three, is the law.
Question. How many terms have you served on the grand jury?
Answer. Three or four terms.
Question. As foreman each time?
Answer. I think three times as foreman.
Question. Within what period of time?
Answer. Within the last fifteen months.
Question. How often does your court sit?
Answer. Twice a year in regular terms, and sometimes in adjourned terms for special cases, upon agreement of the parties.
Question. Do all parties sit upon the jury?
Answer. No blacks are upon the jury.
Question. Do you have any white people in your county known as radicals?
Answer. I think so.
Question. How many were upon the first grand jury upon which you served?
Answer. I cannot now tell, for I do not recollect who composed that jury.
Question. Can you name one?
Answer. I do not know that I can.
Question. How many of them served on the second grand jury?
Answer. I could not answer that question without referring to the list, for I am not a politician in any sense of the word.
Question. How many radicals served on the last grand jury of which you were foreman?
Answer. Well, sir, I could not tell you that; I have never thought of such a thing.
Question. You say that at the close of your session as a grand jury you made a general presentment of the condition of your county, which was intended to represent your estimate of the condition of the county?

Answer. Of the political and social condition of the county and of its pecuniary condition.

Question. Did you make any presentment against that class of people commonly called Ku-Klux?

Answer. I think we did; if we did not, we denounced them in as bitter terms as we could.

Question. In this general presentment?

Answer. Yes, sir.

Question. That is one of the papers that you will send us?

Answer. Yes, sir.

Question. How many newspapers have you in Rome?

Answer. Two.

Question. What are they called?

Answer. One of them is called the Commercial, and the other is called the Courier.

Question. What are the politics of those papers?

Answer. I think they are both democratic.

Question. Did both or either of them make any comments upon the action of the grand jury in denouncing the Ku-Klux?

Answer. They criticised us very severely, and we had a considerable war of words about it. I know I was engaged in it, and they denounced me and the jury, and denied bitterly that there was any such state of things there. I know they got up a very bad state of feeling about it.

Question. Growing out of the presentment which the grand jury felt themselves bound to make?

Answer. Yes, sir.

Question. Were there any bills before your body at the last term of the court against parties charged with Ku-Klux outrages?

Answer. Yes, sir.

Question. Were any of them returned as true bills?

Answer. There was but one true bill returned against them.

Question. Against whom was that bill returned?

Answer. I think his name was Dempsey.

Question. Samuel Dempsey?

Answer. I think so.

Question. How many persons were before you?

Answer. I think there was one bill and some six or eight persons charged with the offense. I do not recollect the names; they were all strangers.

Question. Look at this file of papers, [handing the witness some papers,] and say if the persons there named were before you.

Answer. I see that my writing is upon them; I could not tell the parties' names that gave the evidence that convicted them. But now, as I have the names of the jurymen, I can refer more particularly to the politics of that body. This [indicating one of the papers] is the bill that was before us.

Question. It was ignored as to all the parties charged except one?

Answer. Yes, sir.

Question. How many parties are named in that bill?

Answer. Twelve; more than I supposed.

Question. Is it the bill to which you referred?

Answer. It is the same parties; one was for assault and battery, the other for robbery. We found no bill for assault and battery, but we found a bill for robbery. The party acknowledged taking a gun from the negro.

Question. Examine this bill, [indicating a paper.]

Answer. This is for assault and battery against James Penny; no bill was found.

Question. Here is another bill; look at that.

Answer. We found no bill against any one, except for robbery. Dempsey acknowledged before a witness that he took a gun from the negro.

Question. That was the only bill you found?

Answer. Yes, sir.

Question. What reason was assigned by the grand jury, or any of its members, for not finding any other bill?

Answer. Well, sir, the evidence would not justify finding a bill.

Question. In none of those cases?

Answer. In none but one. The foreman of the jury has nothing to do in regard to finding bills and voting, unless in case of a tie. Then it is his duty to give the casting vote. We then act in accordance with what the evidence is.

Question. Does not the judge charge you that if twelve concur in finding a bill you must return it as a true bill?

Answer. Yes, sir.

Question. Can there be a tie, then?

Answer. It never got up to twelve.

Question. Did you hear as a reason for finding no bill that Governor Bullock had issued a proclamation offering a reward?

Answer. Yes, sir; that was canvassed considerably before the grand jury. I never saw any of those parties; they were men supposed to be very officious. There had been a reward recovered in Chattooga County of six or seven thousand dollars. We had a great many witnesses before us; we investigated the cases, at least I did, as thoroughly and as fairly as I possibly could. I know that I wanted to bring to justice every party who had committed crime where it was in my power. I got a great deal of criticism in my county for that. A case was brought up, and the witness was asked if it was not for the reward, or the hope thereof, if these people should be convicted. That question was asked of some of the witnesses, and on some occasions it was evaded. Finally it was elicited from one of the witnesses that that was the primary object for taking those people up. Then they got up other facts, that these parties were not genuine Ku-Klux, but had been induced to commit these depredations, and then the reward was to be offered for their apprehension; that they would be arrested and perhaps be brought to trial, and only serve a short time and be released; and then the reward would be recovered from the State. The people of Georgia are very suspicious in regard to the finances of the State; you must have heard that through the papers; that had a great deal to do in the minds of some jurymen; the idea that it was not a matter of bringing parties to justice, but seeking to get a reward.

Question. Here are men charged with assault and battery upon different parties. Did those parties come before you and give testimony that they had been abused?

Answer. They did; but they could not identify any of the parties who did it. They said they were in disguise.

Question. Did anybody else prove what parties were going about in disguise?

Answer. No, sir.

Question. None of them were identified?

Answer. No, sir. This man Dempsey acknowledged to one witness that he had committed a depredation—had taken a gun from a negro himself.

Question. How was the prosecution got up against men if they could not be identified?

Answer. I suppose the parties injured supposed they were those men, but they did not swear that they knew them to be the parties; they did not identify them.

Question. I see here an affidavit made in May by a man of the name of James Penny, who says on oath that certain parties, naming them, were with him in disguise on the 18th of February, 1871, and that they then assaulted King Mitchell, and mistreated him.

Answer. Yes, sir; I would like to see that paper again, if you please.

Question. Was not James Penny before your jury?

Answer. No, sir; we could not get him before the grand jury at all. He had run away, and we could not act upon his affidavit as evidence. We advised the solicitor general that we could not convict a party on this evidence; there was something wrong in regard to this affidavit. When we got it, it had been changed; there had been alterations, or something, about it.

Question. Did you call the magistrate, Squire Perry, before whom it was made, to explain it to you?

Answer. We did not.

Question. Is he not in the county?

Answer. Yes, sir.

Question. Why did you not call him in?

Answer. It was the duty of the solicitor to furnish us with evidence; it was not our business to hunt up witnesses.

Question. Would you, as foreman of a grand jury, sit by and see a failure of justice, because the solicitor had not informed you of a material witness?

Answer. Not at all.

Question. Were you not sworn "diligently to inquire;" was not that a part of your oath?

Answer. Yes, sir; that was it.

By Mr. BAYARD:

Question. "And due presentment make?"

Answer. Yes, sir; that is it.

By the CHAIRMAN:

Question. Would you, as foreman of a grand jury, see a party escape, or allow an investigation to go incomplete, because the district attorney did not know of a particular witness, or if some evidence that he brought in was not satisfactory; or would you give him notice of it so that he could explain it to you?

Answer. I would not.

Question. Was that the spirit in which you conducted the examination?

Answer. Not at all.

By Mr. BAYARD:

Question. Was this matter brought before the district attorney?

Answer. I recollect that paper being brought before the grand jury, and the reason we did not act upon it was, that it was not evidence before us; we wanted the witness there. We got a letter from Judge Thomas, of the county; we failed to get him before us, and we could not act upon the letter.

By the CHAIRMAN:

Question. Is not that the same James Penny whose name appears here in one of the bills?

Answer. I think it is.

Question. The same James Penny that made the affidavit?

Answer. Yes, sir.

Question. Is not that affidavit, sworn to, sufficient evidence for you?

Answer. The jury did not regard it at sufficient.

By Mr. BAYARD:

Question. You do not find indictments against men in your county on *ex-parte* affidavits?

Answer. Not at all.

By the CHAIRMAN:

Question. Would not that be sufficient evidence to indict James Penny, on his own affidavit of the fact?

Answer. Let me state further: Mr. Penny's evidence was invalidated, because none of the jury who knew him would believe him on oath; and other witnesses said so, too. We elicited from the witnesses the fact that Mr. Penny would receive a reward for making that affidavit if the parties were convicted.

Question. Was that any reason why you should fail to present him, because he swore he was along when that man was whipped?

Answer. I do not know that it was; only the fact that I would not believe him on oath, even against himself.

By Mr. LANSING:

Question. You would not believe his own confession of guilt?

Answer. No, sir.

By the CHAIRMAN:

Question. Were there any men on the grand jury who were believed to be, or charged to be, or supposed to be, connected with the Ku-Klux?

Answer. I do not think so.

Question. Were any of these impeaching witnesses men who were supposed to be among the Ku-Klux?

Answer. I do not think they were. I do not think there was any one before us that I had any idea belonged to it.

Question. Was Dempsey one of the Ku-Klux?

Answer. He was charged in the bill; the one we got a bill against was supposed to be one of them.

Question. Who is Dempsey?

Answer. I do not know him. I never saw him in my life that I know of.

Question. You say he admitted that he took a gun from the negro?

Answer. He admitted that to two witnesses, named Moses Hill and Anderson Poulane.

Question. Those parties were charged with going about in disguise, whipping negroes, and taking their property?

Answer. I think so.

Question. And those negroes appealed to your body and to the laws of the land for redress?

Answer. Yes, sir.

Question. And one of the arguments used in the grand jury room was that it was believed those men had combined together to go about and whip negroes, and be arrested and get convicted and be put in jail, and then obtain a reward from Governor Bullock?

Answer. That was the impression among the grand jury, but I do not think it was acted upon. There was not evidence sufficient to find bills against those persons.

Question. Were any of the witnesses for the defendants before the grand jury?

Answer. Yes, sir.

Question. The fact is that no man has yet been brought to trial or punishment in your county for any of these Ku-Klux outrages?

Answer. Yes, sir; they have been brought to trial.

Question. Who have been brought to trial?

Answer. A man by the name of Thad. Wright, and a man by the name of Joe Moore, and one other man, for shooting the negro Calhoun.

Question. Were they Ku-Klux?

Answer. They were supposed to be.

Question. Did they go in disguise to the house of the negro?

Answer. They were not disguised at the time he was shot, or there was no evidence of it; but it was supposed they belonged to them. There was evidence sufficient for us to find bills against them, and we did it.

Question. When were they tried?

Answer. At the last term of the court.

Question. Was the evidence pretty conclusive against them?

Answer. It was before the jury, to my mind—enough to find a bill.

Question. How did it happen that the petit jury did not convict them?

Answer. I do not know.

Question. They were not punished?

Answer. They were not convicted or punished.

Question. Have you known a single instance of one being punished?

Answer. I do not think I have in our county.

Question. Have you known of one being punished in your county for a wrong done to a colored man, or to a white man who was called a radical?

Answer. I do not know that I have. Perhaps there may have been a dozen instances, but, if so, they were some trivial offenses before a justice of the peace. I do not know of anything before the superior court.

Question. Do you know a single instance where a colored man has been charged with crime and has not been convicted and punished?

Answer. I think a great many have been acquitted.

Question. Will you give us some of their names?

Answer. There was one negro, I do not recollect his name. I know a great many have been charged with offenses and have been acquitted. They are not all found guilty who are charged, I do not think.

Question. Were they charged before the courts?

Answer. I think so.

Question. And acquitted on trial?

Answer. I think so.

Question. Do you think there has been a single one charged with crime before the courts and acquitted?

Answer. I think the record will show it.

By Mr. LANSING:

Question. Cases of common crimes?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What character of crimes?

Answer. For thefts and things of that sort. I know there have been cases of that sort where they have been acquitted, and for rapes, &c.

Question. They have been acquitted upon charges of theft, rape, &c.?

Answer. Yes, sir.

Question. Have any been taken from the jail and put to death by parties of men, disguised or otherwise?

Answer. I think not; I have not heard of an instance of the kind. We have now in jail as outrageous a case as ever existed. An old gentleman, seventy-odd years of age, was waylaid by a negro, and beaten nearly to death and robbed; they supposed that he would die. That negro has been in jail for months, and no attempt made to injure him.

Question. When was that?

Answer. Last summer. I think the crowd was very much infuriated against him, as much so as ever any people were. He beat the old gentleman nearly to death, took the coat off his back, and robbed his pockets of money. It was thought that he had killed him.

Question. How many instances have you heard of, or have you reason to believe, where there have been parties who have been whipped or otherwise outraged by these bands of night marauders in disguise?

Answer. Well, sir, I have heard where some were abused upon the plantation of Colonel Waltermire; I do not know it of my own knowledge. And then there were those parties committing the offenses charged in these bills. Then there was a colored man by the name of Jourdan Ware, who was abused, and some one else in the same neighborhood; some other negro who was abused about the same time; I do not recollect his name.

Question. Has there been any punishment inflicted upon anybody for any of these offenses?

Answer. If there has been I do not know it.

Question. Is it possible for such offenses to have been committed in your county without a considerable number of persons knowing them and having knowledge of the facts?

Answer. I think it is estimated that there have been from ten to fourteen, and perhaps as high as forty men in disguise seen about the county.

Question. If all of your people were opposed to it but those forty, and wanted to see those men brought to justice, do you not believe they could do it?

Answer. I believe this, that three-fourths of our people would be perfectly willing to bring them to justice, and would do it if they could.

Question. Do you suppose that if there were forty negroes or forty white radicals going about your county whipping democrats, taking their property, burning up their school-houses, churches, &c., they would not be hunted down and brought to punishment?

Answer. I think that perhaps they might be more apt to be found out.

Question. Would not your people turn out and hunt them?

Answer. Well, I suppose they might do that; I do not know that they would be any apter to do it than now.

Question. Do you not know the fact that a great many people in your county are gratified to see these things done by the Ku-Klux?

Answer. I do not think there is now; I think the time has been when a great many of our people winked at it and did not care for it. I think that was so at one time, but I think the sentiment of the people has changed very much.

Question. What has changed it?

Answer. I think they saw it was wrong; that it was carried too far; that they were committing depredations that they ought not to do.

Question. I understand that when you made your examination in the grand-jury room, and denounced these things as outrages, one of the two papers in your town came out and denounced you and upheld the Ku-Klux?

Answer. Well, sir, they criticised us very severely.

Question. Do not those papers represent the public opinion there?

Answer. I do not think they do now.

Question. Do they not represent the opinion of the party that has the majority in elections?

Answer. Yes, sir; they do.

Question. You had an election there last winter, in December?

Answer. I do not think we did.

Question. Did you not have an election last December for members of the legislature?

Answer. I do not recollect when the election came off, for I pay but little attention to politics.

Question. Was there not a very large democratic majority in your county?

Answer. Yes, sir.

Question. A majority of several hundreds?

Answer. Yes, sir.

Question. Was that election before or after you made your presentment against the Ku-Klux?

Answer. The report I allude to was made in January; this election came off, I suppose, before that.

Question. Came off in December?

Answer. I suppose so.

Question. At that election were colored people and radical white men kept away from the polls through fear?

Answer. I do not think they were; I never saw anything of it.

Question. Do you not know that some who were republicans voted the democratic ticket through fear?

Answer. No, sir; if they did, I have no knowledge of it.

Question. Do you know a man of the name of Drennon, a blacksmith, who lives some two miles out from your city?

Answer. I partly know him.

Question. What sort of a man is he?

Answer. A blacksmith; that is all I know about him. He has a little shop at the cross-roads; I pass it in the summer sometimes, and I have had some little transactions with him in the way of trade.

Question. Does he stand well for a man in his walk of life?

Answer. I suppose so. I have credited him upon his word of honor, and he has paid me.

Question. If he were to tell you that, although a republican, he had voted the democratic ticket through fear, would you believe him?

Answer. I should have to believe him; but I should think it would be strange for

him to do such a thing. I know his neighbors there, who are pretty resolute men, Mr. Camp and some others he associates with, and they voted the radical ticket. I would not have thought that he would have been afraid, for he is not a scarey man.

Question. You never had the Ku-Klux wait on you?

Answer. No, sir. I never saw one in my life; or, if I did, I never had any knowledge of it.

Question. You were never whipped by them?

Answer. No, sir.

By Mr. BAYARD:

Question. You were asked by the chairman just now whether the evidence before the grand jury in a certain case was not satisfactory to you in finding an indictment, and you answered that it was, and that you found it.

Answer. In regard to one case.

Question. That man, you say, was tried and acquitted?

Answer. No, sir; he never has been arrested.

Question. There was a case in which you found a true bill against a man who was tried and acquitted?

Answer. Yes, sir

Question. The chairman asked you whether the evidence to find a bill was not sufficient to convict the party. Do grand juries hear any of the evidence for the defense?

Answer. Not at all.

Question. Then you could not tell whether the evidence was sufficient to convict until you heard the other side?

Answer. I could only tell what was before me; I could not tell how these things were. This man Calhoun was shot, and he swore positively that it was those men who shot him.

Question. He swore that before the grand jury?

Answer. Yes, sir; and we found a true bill against those parties. They were arrested and were brought up for trial, but they proved an *alibi*. I think that is the ground upon which they were acquitted.

Question. The evidence was sufficient for you to make a presentment against them, but when they came to trial they had countervailing testimony?

Answer. That is my recollection; I did not hear the trial in the court below at all.

Question. It is not yet the custom in your country to convict a man without hearing the evidence for the defense?

Answer. Not at all; we always hear that. When a person is brought up for trial in our State his witnesses are brought in. The solicitor furnishes us the names of the witnesses which we swear, and we act upon their evidence.

Question. There was evidence from some witnesses brought before you that this affidavit of Penny, which has been spoken of, had been procured from him by corruption and bribery; that he had been paid to make it, and on that account you disregarded it?

Answer. That was the sum and substance of it. We elicited this fact from a witness, that if he would turn State's evidence against this party he would be acquitted, and was to have the reward.

Question. You did not give any credit to his testimony?

Answer. The jury did not. I never vote in any case except in case of a tie. I never gave but one vote during the term I served as foreman.

Question. Had there not been very large, unusually large, money rewards offered by Bullock for the conviction of criminals?

Answer. Yes, sir; $16,000 or $17,000.

Question. Something unusual for your part of the State?

Answer. Yes, sir.

Question. Were there any facts known to the community to justify the belief that persons would procure themselves to be indicted and to be convicted in order to obtain a large reward after a short term of imprisonment?

Answer. That was the public sentiment there, and we canvassed that fact before the jury. There will be a witness before you next, I think, Colonel Foster, who will testify to this matter. He is a man of veracity and truth.

Question. That corrupt condition of affairs existed there?

Answer. That was in the minds of the grand jury.

Question. The idea was that men would come in, turn State's evidence, and get the reward, and the parties would be convicted and turned out in a short time by Governor Bullock?

Answer. That was the understanding; but those parties never were identified at all.

Question. That was not a controlling fact in your action?

Answer. No, sir. That matter was considered, but it was not controlling.

Question. The return of your grand jury was made without reference to that rumor?

Answer. Entirely; but it was canvassed in the jury. But there was no evidence in the jury-room that I think any man of this committee, knowing the laws of Georgia

and the way this case was got up, would have considered sufficient to find a true bill on.

Question. You were asked just now in regard to the general presentment which you made at the end of your session, and of which you have promised to furnish us a copy. You say that was taken up and discussed by your new spapers, one or both of them?

Answer. I think by both of them.

Question. Did they assail your statement in the presentment, or did they uphold the organization of the Ku-Klux?

Answer. They did not uphold the order of the Ku-Klux, but they denied the statement we made.

Question. I understood the chairman to ask you if the newspapers upheld the Ku-Klux.

Answer. I do not think that was the intention of the newspapers. I think they were perhaps misled on that subject. But fortunately one of them was afterward caught out by them and made to dance and jump; that was the rumor I heard.

Question. What was his name?

Answer. His name was Sawyer. I do not know whether it is correct, but I suppose it is as correct as the other cases I heard.

Question. He is the editor of a democratic paper?

Answer. Yes, sir; and one that denounced the proceedings of the jury.

Question. He was brought out and made to dance?

Answer. Yes, sir. He was on his way home one night and they caught him and made him dance.

By the CHAIRMAN:

Question. They mistook him for somebody else?

Answer. I do not know how that is.

By Mr. BAYARD:

Question. You have spoken here about elections. You have been present at elections and cast your own vote there?

Answer. Yes, sir.

Question. Have they generally been peaceable and orderly in your county?

Answer. As much so as they ever were before the war.

Question. Have you observed that black men, or men of the radical party, have been deterred from voting at all?

Answer. No, sir; not a bit.

Question. Have there been Union Leagues among the black people in your county?

Answer. I do not think there is any there now; I have heard that at one time they did exist.

Question. Do you know of the colored people themselves influencing and intimidating each other in order to compel them to vote a particular ticket?

Answer. There are a few negroes who will vote the democratic ticket; in some instances they have been abused and run off; and I have no doubt that in some instances they have been intimidated.

Question. How do they vote as a rule?

Answer. They would generally come from the church in a body, and walk right up, the whole crowd of them, and vote; now, they vote more promiscuously; but a year or two back, they would come up from the church, seventy-five or a hundred in a body, led by a few white men, and go up to the polls and deposit their votes.

Question. The only instance of intimidation your know of is that of colored people upon their own race?

Answer. If there has been any, it has been upon that side more than upon the other; I have known but few negroes who have complained to me of being abused by their own color for voting the democratic ticket.

By Mr. LANSING:

Question. You say that those men who were charged by indictment with having committed these outrages got clear by proving *alibis*?

Answer. I think so; that is my recollection of the trial; it was upon some technicality of that sort.

Question. Do you think it would be difficult for one or two of a band of twenty or thirty disguised men, charged with committing an outrage, to prove an *alibi* by the testimony of some of the rest of the same band?

Answer. I do not think it would; I think it could be easily done.

Question. Do you think a man who would belong to one of those Klans, and aid in committing such outrages, would be just such a man as would lie under oath to prove an *alibi*?

Answer. I think so; I think he would do almost anything; I think they are bad men, corrupt men.

Question. What are your political sentiments?
Answer. I am a democrat.
Question. What were you during the war?
Answer. At the commencement of the war I was a Union man; I voted the Union ticket until Georgia went out; and when Georgia went out, I went out with her.
Question. Did you vote against the ordinance of secession?
Answer. Yes, sir.
Question. How did you vote upon the reconstruction acts?
Answer. We had two or three of them; I think I voted for reconstruction pretty often; but I do not recollect about that now; I voted for it one time, and perhaps one time I did not.
Question. Were you beyond the military age during the war?
Answer. No, sir; I was not.
Question. Were you in the army?
Answer. No, sir; I had the appearance of being too old; but I am a much younger man now than you would take me to be.
Question. You were out of the army because you had the appearance of being over military age?
Answer. Well, I had money, and I used it to keep out.
Question. You say the negroes are more divided in their voting now than heretofore?
Answer. Yes, sir.
Question. Why do they seem to be so divided?
Answer. I think it will grow more so all the time, particularly in our country, where negroes are treated as they are; I think the white people will control all their votes within five years, without any intimidation, or fear, or anything else; I think that by kind treatment and proper attention, they will get all their votes.
Question. Do you think that has been the means by which their vote has been divided, by kind treatment?
Answer. Yes, sir.
Question. Do you mean to say there is no intimidation or interference with their voting beyond what should be with a free suffrage?
Answer. I do not think they are a particle more interfered with than I am, not a bit.
Question. You think they were not interfered with at the last election?
Answer. I do not think they were; there may have been some threats out in the country.
Question. You seem to think there are such organizations as the Ku-Klux?
Answer. I do, indeed.
Question. What are they for?
Answer. I cannot tell you that. I have no doubt they are for mischief, though; they do mischief.
Question. Do you mean to say that you do not understand that they are for the purpose of a ecting the political sentiments of the people?
Answer. No, sir; I do not think it is a political body entirely.
Question. You are a native of this State, and a man of observation; and you must be able to say what you think they are for.
Answer. Perhaps for robbery as much as anything else, or more. That is about the way I look at it.
Question. What have they been for?
Answer. I cannot tell you.
Question. Am I wrong in thinking, from what you say, that you mean to intimate that they are not now for all the purposes they were heretofore?
Answer. I think not.
Question. What were they for heretofore?
Answer. I think that perhaps at the start it was for good intentions that the organization was got up, and that good men belonged to it.
Question. What good intentions?
Answer. To suppress crimes; they intended to regulate those parties who cannot be brought before courts of justice. But bad men got into it and controlled it.
Question. You mean that originally they were a sort of corrective for disorders arising from the war?
Answer. That is my intention; that was my impression at the time.
Question. You have heard of their outrages?
Answer. O, yes, sir; a great many.
Question. Have you known of any prominent and active democrat being a victim of their discipline or action?
Answer. I have not, only in Walker County some time ago. I have understood since I have come here that a democrat in Walker County was badly whipped.
Question. For what?
Answer. I do not know.

Question. With that exception, have their victims been radicals or Union men?

Answer. O, well, they have been mostly negroes, or what we term radicals. There have been very few white men abused in our county.

Question. Did you ever know of a radical or a negro belonging to the Ku-Klux?

Answer. Never in my life.

Question. How do you account, then, for the fact that——

Answer. They may belong to it; I do not know who belongs to it.

Question. I am speaking of what you have heard. How do you account for the fact that no negroes or radicals belong to the Ku-Klux, and that, with the single exception you have mentioned, their victims have invariably been radicals or negroes?

Answer. I account for it in this way: in the first place there are but few radicals in our county, and those that are there have not the confidence of these people. And the negroes would not be taken in, because the southern people would not equalize with them.

Question. You mean that the radicals are not good enough to be Ku-Klux?

Answer. I mean that there are very few of them, and those that are there are of a class of people that they would not take into the organization. There are some good men in the radical party; as good as any in the world.

Question. Do you mean that the Ku-Klux are too pure to take into their organization any radicals?

Answer. No, sir; I do not mean that.

Question. What do you mean?

Answer. I mean that there are very few radicals in our country. Some of them are good men and pure men; men that I respect as much as any in the world, and I believe them to be as honest and upright as any. But I believe the Ku-Klux are generally of a low character of people, and but very few of that class belong to the radical party in our country; and if so, the Ku-Klux would not have confidence enough in them to take them in; that is what I believe.

Question. Then, on the contrary from what I have asked you, the radicals are too good men to be taken into the Ku-Klux?

Answer. Some of them are too good men. There are but few there that are low-down men; in fact, I do not know of any in our community.

Question. Were you a slave-holder before the war?

Answer. Yes, sir, I was; I expect I have owned as many slaves as any man you ever saw.

Question. And you are now merchandising?

Answer. Yes, sir; I know as much about the negro, I expect, as any man in Georgia. I have owned a great many, and I have traded in them to a large extent. I had the confidence of them before the war, and during the war, and I have it now.

By Mr. SCOFIELD:

Question. Were you what is called a slave-trader?

Answer. Yes, sir; I sold slaves before the war and during the war.

By the CHAIRMAN:

Question. Were you what we used to call in this country a negro-trader?

Answer. I did pretty smart of that business during the war, but I did more before the war. During the war I had to refugee, and I traded in negroes.

Question. You spoke of some northern man who came down here and staid three months, and expressed his surprise at the hospitality and kindness that had been shown him?

Answer. Yes, sir.

Question. Did he engage in politics?

Answer. I do not think he did.

Question. Was he a democrat or a republican?

Answer. I do not know what he was. His name was Ratway. His brother was engaged in the Cornwall iron-works in Alabama.

Question. Have you not heard a great deal of abuse of the class of people called carpet-baggers?

Answer. Yes, sir; I have heard a great deal of abuse toward carpet-baggers.

Question. Is it not about as stigmatizing a term as you can use toward a man in your country to call him a Yankee?

Answer. I do not think it is; we have a great many Yankees among us.

Question. Is that word ever used to a man, or about him, by his friends; or is it used by his enemies?

Answer. I cannot tell about that. I know it is a name that does not sound well to the ears of southern people; you know that; it is so all through this State, through a portion of Tennessee, and all through the Southern States; it was so before the war.

Question. Is it more or less now than it was then?

Answer. I think it is more so now.

Question. What is the feeling of your old rebel population toward the United States Government?

Answer. I cannot tell you that. I suppose there are some rebels in Georgia that do not particularly admire and love the United States Government; they may love the United States, but they do not love the proceedings of the Government and its laws and regulations.

By Mr. BAYARD:

Question. You spoke of a gentleman by the name of Waltermire, who lived below you; was he not an officer in the Union Army, a Union man who settled among you?

Answer. Yes, sir.

Question. Has he been prosperous?

Answer. I suppose so.

Question. He was in the Union Army during the war.

Answer. I understood that he was a colonel in the Army. A good citizen would be treated as well there as in New York. Good men can come there with as much safety, in my opinion, as they can go to New York, or to any other State; that is, a good man, and a peaceable man.

By Mr. SCOFIELD:

Question. Do you not mean by "a peaceable man," a man that does not combat the opinions and prejudices and interests of the people, or of a large portion of the people?

Answer. I mean this: That a man of enterprise and energy, a social, gentlemanly man of good habits, may come here, and, let his politics be what they may, would be treated as kindly and civilly as I would be, or you would be at home. I do not know, of course, your State, or your name; but I have no doubt he would be as safe in our town as he would be in your town.

Question. And could express his political sentiments, if a republican, as freely as if he were a democrat?

Answer. I think so. There is Mr. Sheibly, who lives among us. He has been a very obnoxious man, but I do not know of any violence exhibited toward him. Others have come in our midst, and introduced their money there, and seem to be satisfied; I do not know of any indignity of any kind offered to them, and I do not think any would be offered to any gentleman.

[See page 624.]

ROME, GEORGIA, *October* 27, 1871.

DEAR SIR: According to promise, I inclose you the general presentments of the grand jury of Floyd County, at its January term, 1871, of which I was foreman, which I submit in evidence entire, with my testimony, and more particular so from the sixth page to its close. Also, in answer to some direct interrogatories, whether or not persons of color had been arraigned and acquitted before our court, I submit the inclosed cases under the official signature of the clerk of court.

As the inclosed presentment is a document of file in the clerk's office, at your convenience please return.

Very respectfully,

W. M. SHROPSHIRE.

Hon. HORACE MAYNARD,
Chairman Committee.

We, the grand jury sworn for the first week of the January term of Floyd superior court, beg leave to make the following general presentments:

Through appropriate committees, we have examined the books of the various county officers, and find that these officers have discharged their duties faithfully, kept their books neatly and systematically, so as to be able to give to any citizen easily and with dispatch information upon county matters. The manner of indexing and numbering, originated and adopted by Mr. Ross, clerk of superior court, in keeping his books, by which he can readily point out any business of interest to the citizen, is truly commendable, and shows not only his industry but competency to discharge his several duties.

The court-house we find to be in good condition generally, with the exception of some slight repairs needed upon the doors and windows, which we recommend to be done.

The present jail is thought to be insufficient, both in extent and security, for a

county of our present and increasing population; and we therefore recommend either that the old one be repaired, with additions thereto, or a new one built.

As the ordinary's office, by placing under its jurisdiction many duties which formerly devolved on other departments, has become quite an important one, and as thereby the books of the office will necessarily increase in number and importance, we recommend the purchase of an iron safe, of sufficient capacity to hold the books, so that, in case of fire or other accident, they may be preserved.

In the poor-house we find fifteen inmates, twelve white and three colored, most of whom are old, feeble, and infirm. We therefore recommend that they be furnished with coffee at least once a day, and flour and rice occasionally, as a change of diet and an addition to their comfort. While the buildings and premises are generally in good repair, we recommend the planting of fruit-trees, the paling in of one acre for a garden, the building of a shed-room to the overseer's house to serve for a kitchen, lofts to be put in the frame cabins, and also the purchase of a good team and two or three milch-cows, for the use of the institution.

The committee appointed to examine the treasurer's books report as follows:

Balance on hand and receipts since last term—

For general purposes		$4,665 57
For disbursements		3,385 75
		1,279 78
For jury-fund		$1,439 51
For disbursements		524 00
		915 51
For poor-fund		$2,506 73
For disbursements		1,353 83
		1,152 90
For jail-fund		$2,042 82
For disbursements		428 45
		1,614 37
Total amounts received		$10,654 63
Total amount of all disbursements		5,692 07
Balance on hand		4,962 56

According to the statements of the treasurer, there is still due about seven thousand dollars ($7,000) on the taxes of 1870.

We therefore congratulate the people of the county upon the healthy state of our finances, for, according to the showing of the treasurer, he will have sufficient funds to meet all just demands made upon him.

The subject of public roads and bridges have been duly considered, and we regard it as one of great importance to the people. While the roads are reported as generally in good condition, they yet might all be improved to a considerable extent. If those subject to road duty were required to do even half the work required by law, our highways and thoroughfares would be in much better condition, and inure not only to the comfort and benefit of travelers and teamsters, but reflect honor upon our people. We therefore respectfully recommend to the authorities to require of road commissioners a more strict compliance with the law, so as to secure, if possible, a general improvement in this regard. We call special attention to the road from Cave Spring to the Polk County line, in the direction of Cedar Town, the one from Cave Spring to Haynie's Mill, and the one from Dr. Tilley's to Thomas's Mill, as being in bad order, and requiring prompt attention. The road from Rome to Van Vert, the Pope's Ferry road, and the Bell's Ferry road all need attention. Some places need to be widened, others repaired, so as to make them passable. There being no abutments to the bridge crossing the railroad, near Forestville, it is reported in a dangerous condition, subjecting life and property to hazard, and should receive immediate attention from the proper authorities. Other bridges in the county are also needing attention. To remedy these evils, in part at least, if not entirely, we suggest to the ordinary, in issuing road commissions, to accompany them with specific instructions to the commissioners requiring them to ride over their several roads, both before and after they are worked, and exercise more watchfulness in requiring their overseers to do a sufficient amount of work to put the roads in such order as to meet the demands of the law. There certainly has been here-

tofore too great laxity on the part of those whose duty it is to render this public service, and we therefore respectfully urge upon them all more strict attention to this subject.

Having done with these special items, which the grand jury is always expected to examine and report upon, we beg leave to call attention to some matters of general interest to tax-payers and all citizens. Our people seem naturally, some of them unconsciously, perhaps, to have glided into an extravagant use of the public money. They seem to have lost sight of the time-honored and well-established rule, that those having charge of public funds should exercise the same vigilance, economy, and discretion in its use as if it belonged to them individually.

We venture to affirm that if public officers would exercise the same prudence and economy in the expenditure of public funds that they do in that of their families, at least half the money now used to support the government of the State as well as the several counties would be saved, and thus reduce the taxes one-half. The straightened circumstances of our people necessarily require the observance of this rule in the family, and we see no reason why it should not be in public affairs. As communities and nations are only families aggregated, the same sound discretion applies with equal force to both. We, therefore, most respectfully and earnestly call upon our people, and our public officers in particular, to revive the good old times of the past, before the war, when taxes were much lower, money more plentiful, and the country in a vastly more prosperous condition; and we invite a return to the old paths and the setting up of the old standards, by observing which greater prosperity and more happiness will be our reward.

Another subject of greater and general importance, to which we beg leave to call attention, is strict obedience to the laws.

While we mention with pride and pleasure the fact that there are but few violations of law and commissions of crime, considering the number of our population, and while peace, order, and quiet are generally prevalent in our midst, we feel it incumbent upon us as guardians of the public weal to notice some violations of law dangerous in their tendencies and hurtful to the public interests. We allude to secret, disguised parties of men, going about over the county at night for the supposed purpose of correcting existing evils in the community. As law was made in part for the punishment of offenders, and as every county has its officers sworn to execute the law, it follows, as a clear proposition, that these disguised bands are acting not only without lawful authority, but are actually offenders themselves against the laws of the land. This proposition we regard as not only clear, but incontrovertible. But we are sorry to say that in our judgment these parties do not propose to act under the law, but outside of and independent of it. They assume to take the law in their own hands and to punish those whom they may deem offenders without court or jury, without a hearing or trial, and to visit upon them such degree and kind of punishment as their bias, prejudices, or inclination may suggest. If we are correct in these statements, and we think we are, the natural tendencies and legitimate results of such organizations are dangerous and hurtful in the extreme.

They are calculated to intimidate and frighten the ignorant, weak, and helpless, to disturb the peace and quiet of the community, to render uneasy and dissatisfied the laboring population, to drive the laboring class from the country to the towns, and thus unsettle and seriously injure the farming interest, besides increasing the chances of pauperism in our towns. Even supposing their intentions to be good, their secrecy and disguise open the way for wicked and malicious persons to band themselves together for purposes of theft, plunder, violence, and bloodshed, and thus the harm growing out of their organization outweighs the good they propose to accomplish. But such is the malice and revenge known to lurk in the human heart that when such occasions are offered, under circumstances so favorable to the gratification of the bad passions, the innocent and good are very liable to suffer. Therefore, when we consider the erroneous foundation upon which these organizations rest, their unauthorized, hasty, and *ex parte* proceedings, their pandering to all the evil passions of the human heart, the dangerous precedents they set up, and the untold evils of every kind which must finally result to the community, the family, the helpless women and children, to the labor of the country, and to every interest dear to us as a people, we feel it our duty as grand jurors to condemn in unqualified terms all such organizations, and urgently call upon all good citizens to discourage, discountenance, and frown down all such, and use their influence to banish them from among us. And we even go so far as to recommend any person or persons, if any there be in our county, who may belong to such secret bands to abandon them at once and throw their influence in favor of vindicating and enforcing the laws.

In conclusion we beg leave to commend and indorse the conduct of Justice Perry in his courage, firmness, and promptness in issuing a warrant for the arrest of parties supposed to be guilty of an assault, with intent to murder, upon the person of an innocent negro, who was shot in Rome on Friday night, the 13th instant. His conduct on this occasion is worthy of honorable mention, and we take pleasure in giving to it our unqualified indorsement. In taking leave of his honor, Judge Harvey, we take

pleasure in making mention of his courtesy to us as a body, and the firmness, ability, and impartiality with which he has presided at this term of the court. We also venture our thanks to the solicitor, Mr. Forsyth, for the faithful discharge of his duties and his kindness to the jury.

In addition to our recommendations above, we recommend that the ordinary contract with some practical engineer to make a correct map of the county, defining the militia and district lines, marking out all roads, bridges, streams, and public places in said county, at a cost not exceeding five hundred dollars, and to have a sufficient number of maps made for sale as may be necessary.

That the ordinary, with the approval of Judge Harvey, pay the jury two dollars per day for their services until ordered otherwise.

That his honor pass an order for the publication of the foregoing in all the city papers, paying for the same fifteen dollars each.

W. MONROE SHROPSHIRE, *Foreman.*
EDWARD R. SMITH, *Clerk.*

SIDNEY P. SMITH.	ALFRED J. KING.
ARCHER GRIFFITH.	JONATHAN J. KING.
WILLIAM M. GAMMON.	JNO. H. DENT.
AUGUSTUS P. MCCORD.	WILLIAM W. MYLAM.
WILLIAMSON C. HOWELL.	SAMUEL B. CHAMBERS.
WILLIAM A. WRIGHT.	GEORGE W. F. LAMKIN.
JOHN J. FISHER.	JOSEPH J. COHEN.
WILLIAM L. EZZELL.	E. MITCHELL JOHNSON.
SAMUEL H. KYLE.	JOEL C. BAKER.
NAPOLEON B. FORD.	ALBERT P. KING.
JESSE P. AYERS.	

THE STATE *vs.* ANDY SANDERS, colored. } Rape.
July term, 1870.—Verdict of not guilty.

JESSE HORN, *Foreman.*

THE STATE *vs.* RICHD. FRENCH, colored. } Assault with intent to rape.
January term, 1871.—Verdict of not guilty.

THE STATE *vs.* LEVI KEYS. } Assault with intent to murder.
January term, 1871.—Verdict of not guilty.

THE STATE *vs.* ANDREW WATTERS. } Illegal voting.
January term, 1871.—Verdict of not guilty.

A true extract from minutes of Floyd superior court.
[SEAL.]

A. E. ROSS, *Clerk.*

ATLANTA, GEORGIA, *October* 26, 1871.

HENRY P. FARROW sworn and examined.

By the CHAIRMAN:

Question. The committee have summoned you, understanding that you were the attorney general of this State. We have had two witnesses before us, one a man by the name of Columbus Jeter, a colored man, and the other his wife, both of whom testified to a very great outrage having been committed upon them by certain parties in Douglas County, I think. We have summoned you in order that you might give your testimony upon the subject. Those witnesses said that they came here, and that you took an interest in their case and went with them before Judge Wright at Noonan, to have the parties examined and brought to justice. They further testified that the parties after examination were discharged. We have asked you to come here and tell us what you know about that case.

Answer. I received an executive order to proceed to Noonan, Coweta County, adjoin-

ing Douglas County, to conduct the investigation of the matter before Judge Wright, who was the judge of the superior court of that circuit. He consented to constitute himself a court of inquiry in that case. The matter had been before him in Campbell County, another adjoining county, a few days before that, a week previous, I believe. He had continued the hearing of the matter to that day in the county of his own residence. The witnesses were brought there from the adjoining county; I had no witnesses subpœnaed on the part of the prosecution; I knew nothing of the case in fact, until the day before it was to be heard by Judge Wright; I took down there from this city Mr. Jeter and his wife, carried them with me on the train; I examined them; they were rather intelligent colored people, more so by far than the generality of them; the woman was a school-teacher, quite an intelligent colored woman; they testified with a considerable degree of clearness and positiveness, pointing out the parties in the court-room who were sitting about on the benches there, and insisting that they were the parties who had maltreated them on the occasion when they were so badly treated, and testifying also to the character of the treatment they had received. The man was very badly whipped, and I believe she was also whipped. He testified that in endeavoring to make his escape he was shot with a shot-gun, his own gun, I believe; I think he so testified. As well as I recollect, from the evidence, it was a party of disguised men; he thought they were persons living in that immediate vicinity, and that he knew them. He and his wife both testified in a way that impressed me with the belief that they did know them, and that those were the parties, or that they actually believed they were the parties. When I had introduced those two witnesses and closed, the defendants then introduced a number of witnesses, and an alibi was most effectually established in every case except one. Under the evidence I thought that Judge Wright could not do otherwise than discharge the parties, with the exception of that one. I thought that, under the evidence, one man ought to have been committed. The two colored persons who had been badly treated testified that the parties were in disguise; that it was in the night, and that their recognition of them was under such circumstances that they might have been mistaken in regard to them. When the other witnesses all proved an alibi so clearly and effectually, the judge in giving his opinion gave his reasons for discharging them. I thought that perhaps in a judicial point of view his action was correct, the evidence being such as it was.

Question. You mean, assuming the testimony for the defense to be true, an alibi was clearly established in every case but one?

Answer. Yes, sir. In that case I rather thought that the party should have been committed; but according to the evidence of the two colored persons he was not one of the principal actors.

Question. Was the judge of opinion that the colored man had injured himself by going up the chimney and trying to escape in that way?

Answer. I believe the man testified that when the parties came in he attempted to conceal himself in the chimney.

Question. Did the judge express the belief that that was the way he received the injury he complained of?

Answer. I do not recollect that he expressed himself to that effect.

Question. Do you know whether Jeter's person was examined to ascertain the effect of the injury upon him?

Answer. I do not now recollect whether he was examined there in open court or not.

Question. Was there any attempt made to deny the main fact of the injuries he and his wife had received?

Answer. I do not think that there was any evidence before the court going to show that he or his wife had sworn falsely or anything of the kind. But the evidence went to show, as well as I recollect, that those parties were not the parties who had committed the offense.

By Mr. BAYARD:

Question. How many defendants were there?

Answer. There were quite a number of them, six or eight, perhaps a dozen.

Question. Was the identity of that number of men all sworn to by these two colored persons?

Answer. Not so positively in all the cases, but they swore pretty positively as to several from their voices; I think that they said they recognized them by their voices and by their general appearance, and perhaps the mask of one of them dropped off. But, however, in that respect I may be confusing this with another case.

Question. Was there a patient examination by Judge Wright?

Answer. Well, I thought that Judge Wright was pretty patient.

Question. He heard all the evidence?

Answer. Yes, sir.

Question. Had you any assistant?

Answer. Yes, sir.

Question. Who was he?

Answer. Judge Wright's former partner, Colonel Douglass, who is as good a lawyer as there is at that bar.

Question. Was he vigorous and painstaking in that examination?

Answer. Yes, sir; he did all he could, and so did I. I knew nothing of the case until the day before the examination, therefore the preparation of the case was not in my hands, nor was it in his; we just took it as we found it that day.

Question. Was it not the fact that those two colored persons were the sole witnesses in regard to the injury inflicted?

Answer. There was perhaps one other witness that I would have subpœnaed if I could have done so. But under the law in this State you cannot require a citizen to go beyond his county to attend a court of inquiry. This witness was in an adjoining county; we could not compel a witness to come from Douglas County to Coweta County before a court of inquiry.

Question. By whom was your associate counsel remunerated?

Answer. He was paid $25.

Question. You say he was an able gentleman?

Answer. Yes, sir.

Question. And did his duty fully?

Answer. Yes, sir; and I was a little ashamed of his getting only $25.

Question. You think he deserved more for the effort he made?

Answer. Yes, sir; he acted faithfully.

Question. After the witnesses for the defense were heard in that case, and the judge discharged the defendants, you concurred in the result of his decision, having doubt only as to one individual?

Answer. Well, I had never seen any of the witnesses before. That was in a very inaccessible section of the country, and although I have been all around it I have never been there, and I did not know any of the witnesses. There was not one on the stand for the defense that I ever had seen before.

Question. Was your associate also a non-resident there?

Answer. He resided some twenty or thirty miles from there, and some few of the witnesses were known to him.

Question. Were they within his circuit of practice?

Answer. Yes, sir, but at the same time the most of them were strangers to him. Had the examination been in Douglas County I should have endeavored to have had some other witnesses there; for some of those witnesses, I must say, created an impression upon my mind that they were perjuring themselves. There were some of them that I thought swore——

Question. You were disposed to discredit them?

Answer. Yes, sir.

Question. Was there any attempt made to impeach them?

Answer. No, sir. I talked with my associate counsel upon that subject, but it was out of our power to impeach them at that time. It being only a court of inquiry we did not think it proper to go into that matter, for they were liable to be arrested again the next day in Douglas County, if it should be deemed expedient. We therefore made no attempt then to impeach any of the witnesses. But I felt that there was a little of the evidence that had been procured that was false.

Question. Had you any facts upon which to ground that opinion?

Answer. Only such an impression as will force itself upon the mind of a lawyer sometimes. In some of the cases I think the alibi was perfectly truthful.

Question. And in cases where the identification was equally sworn to?

Answer. Yes, sir.

Question. But the party whose discharge you were not entirely disposed to concur in was one of those who had the least to do with inflicting the injuries?

Answer. He was not one of the principal actors.

Question. Who was the solicitor for that district?

Answer. Mr. Adams, I believe.

Question. Is he a gentleman of eminence in his profession there?

Answer. He stands pretty fair as a lawyer.

Question. Is he a man of good public repute as to the fulfillment of his duties?

Answer. Yes, sir; he stands pretty well.

Question. Was he there?

Answer. No, sir. It is not the duty of a solicitor to appear before courts of inquiry, because they may occur in every county of his district on the same day.

Question. The fact is that both the witnesses for the prosecution swore positively, and there is no doubt as to the commission of the injuries; yet the parties who were charged with it proved an *alibi*?

Answer. Yes, sir.

Question. In regard to your duties, have you, as attorney general of this State, a certain supervision of the execution of the criminal law throughout the State?

Answer. My duties are not definitely fixed by law, but they arise more upon the so-

licitation of a judge of a circuit, followed by an executive order, than by any general direction of law.

Question. What is the full name of Judge Wright?

Answer. I believe his name is William F. Wright.

Question. When were you appointed to your present office?

Answer. In the summer of 1868.

Question. You have been attorney general of the State until this time, and you are now attorney general?

Answer. Yes, sir.

Question. By what governor were you appointed?

Answer. By Governor Bullock, and confirmed by the Senate.

Question. Was Judge Wright also appointed by the same governor?

Answer. Yes, sir.

Question. And the solicitor of that district?

Answer. Yes, sir. I think the solicitor was appointed in 1868; but there was a change of circuits. Judge Bigby, now a member of the House of Representatives of Congress, having been elected to Congress, resigned his judgeship, and Judge Wright was then appointed by Governor Bullock.

ATLANTA, GEORGIA, *October* 26, 1871.

HENRY COE (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live?

Answer. I was twenty-one on the 15th of last June; I was born in Greensborough, North Carolina; I am staying in this city now; I have not been making my home in any certain place since I was nine years old.

Question. Were you living with Columbus Jeter at the time he was injured?

Answer. Yes, sir.

Question. When the trial of that case was going on at Noonan why did you not go there as a witness?

Answer. I was not subpœnaed there, and then I thought if I went I might lose my own life for it.

Question. Were any threats made to you?

Answer. There was no particular threat made, but then it was spoken of that I had better stay out of the way if I did not want to lose my own life.

Question. Did anybody offer you anything for staying away?

Answer. They told me they would pay me for the time I lost if I staid out of the way.

Question. Who told you that?

Answer. Mr. Winn, the man I was living with.

Question. Did he pay you?

Answer. He paid me a month's wages.

Question. How much was he to pay you?

Answer. He was to give me $11 a month. I told old man Joe Slaughter to tell Jeter where he would find me at.

Question. You thought that as you were not subpœnaed you would not go?

Answer. Yes, sir; and I supposed if I went I would lose my own life. If a man is off from home and don't know anybody he must do the best he can.

Question. Are the people there pretty hostile to people of your color?

Answer. Yes, sir; they are tolerably rough.

Question. How long did you stay in that county?

Answer. About two months after that fracas.

Question. Did you see anything more after that time of the people called Ku-Klux?

Answer. I did not see any more of them. But a young gentleman there in the neighborhood, who was a friend to me, I suppose, told me that I had better not stay at Tom Winn's for a night or two; that I had better go from there and stay with him; that he did not know for certain that they would hurt me, but that I had better not stay there.

Question. Do you know whether they were out looking for you?

Answer. I do not know whether they were looking for me or not; but I suppose they aimed to do it, by his saying that to me.

ATLANTA, GEORGIA, *October* 26, 1871.

WILLIAM HAMPTON MITCHELL (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I am going on forty-seven years old; I was born in Athens, Georgia, and I now live in Laurenceville district, Gwinnett County.

Question. Do you know any people in that county called Ku-Klux?

Answer. Yes, sir; they said they were.

Question. Where did you see them?

Answer. I saw them at my house.

Question. When was that?

Answer. That was about the last of May or the first of June last, to the best of my recollection.

Question. Did they come there walking or riding?

Answer. They walked up to my house. They hitched their horses about a hundred yards from the house.

Question. How many were there of them?

Answer. About eleven.

Question. Tell us what was done and said by them.

Answer. When they first came to my house they hollered, "Open the door;" I stepped to the door to open it, but I did not get a chance to, for they knocked it down and came in. They asked me if I had a gun, and I said I had. They said, "Is it loaded?" I said, "Yes." They took it and set it down by the side of the door. They told me to kneel down beside the door, and I knelt down. They asked me if that was my house. I said it was. They called me by my name and said, "Hampton, is this your house?" I said, "Yes, sir." They then called out Mitchell—that is George Mitchell, my son-in-law. They brushed him out, and gave him a severe whipping, I think about five licks apiece; I think some gave a little more. While they were doing that one of the privates, as we call them, not the captain, beat my wife over the head with a pistol pretty severely. One of them stepped up and gave me four or five licks with a hickory; after that they called out my father-in-law, Charles Burson, and gave him a severe whipping. The captain ordered them to give him five licks apiece. After that he went back into my house, and then they called him out again and gave him about the same amount more. They then told me to go back into the house and shut the door. I have missed a little. Before that they broke my gun, and then they told me to go into the house and shut my door, and not open it for three hours. He said, "If you do, I will put forty bullets in you." I believe that is about what they did to me.

Question. Did they whip any others?

Answer. Yes, sir; they whipped my son-in-law, George Mitchell, and my father-in-law, Charles Burson.

Question. Did they whip any others the same night?

Answer. They whipped my brother-in-law, Jack Allen, and his son. We were all living there within hollering distance of each other, you may say. And they whipped my brother-in-law's wife the same night.

Question. What reason did they give for whipping you?

Answer. I did not ask them that. When they first came to the door they said, "We don't expect to trouble you, Hampton; we understand you are a fine boy, and attend to your business." I did not think after they talked in that way that they would whip me, or injure me any way, but they did it, though. While the captain of them was attending to my son in-law and my father-in-law, there were two of them who stood by the door and kept punching me with a pistol about on the forehead and head, till they made the blood come.

Question. How many blows?

Answer. As well as I recollect there were three blows on my forehead and one on my head.

Question. How many blows did they give you on your back?

Answer. About four blows.

Question. What did they whip your son-in-law for?

Answer. They asked him if he worked, and he said he did. They said they thought he did not, and asked him if he cultivated his land when he had it. He said he did not have any land, that he hired about. That was the most I know of that they said they whipped him for.

Question. What did they whip your father-in-law for?

Answer. They called him out, and said to him, "Have you not been talking about the Ku-Klux?" He said that he and Mr. Tanner, of Walton County, had been talking something concerning the Ku-Klux, but that they did'nt either of them mean any harm. That is about what they whipped him for, so far as I know.

Question. What did they whip your brother-in-law, Jack Allen, for?

Answer. I suppose they came to him and asked him—I did not hear that, but he told

me so—if he had not been stealing corn, and he said he had not. They said, "That is the report we get, anyhow." He said that he had not, and it proved that he had not.

Question. What other persons did they whip?

Answer. They whipped his son and his wife.

Question. How old is his son?

Answer. I do not know.

Question. Was he a man grown?

Answer. Yes, sir; he is a married man.

Question. What did they whip his son for?

Answer. I do not think I can hardly tell you; from what he said to me, I should say not much of anything.

Question. What did they whip his wife for?

Answer. I am told that they told her that night that she had been knocking about with other men—something in that way. I am told that they throwed that up to her. Now, I am very well acquainted with her; I am his uncle, and I do not know anything wrong of him. He is in the ministry, and I thought he had peformed very well, and his wife, too.

Question. They stand well where they are known?

Answer. Yes, sir.

Question. Were they whipped severely?

Answer. I think my brother-in-law's son was whipped pretty tremendous bad. That was on Saturday night that that happened. Saturday evening I had told him to go up to Lawrenceville to preach that night. He did not, because his wife persuaded him not to go; he staid, and got a whipping. He had fixed up and put on his Sunday clothes, and his fine shirt, and got ready to go to meeting. He did not go, but still kept on that shirt. That night, I think they commenced whipping him, standing at his heels, but the captain ordered them to turn around to his head and whip down toward his heels. In striking down some of their blows, about the middle of his back, a large piece of his fine shirt was cut right out. This whipping happened, I reckon, about half after 11 o'clock at night. By day his shirt was stuck fast to his back, and they had to take warm water and grease and wet it so as to get it gradually loose the next morning. My brother-in-law was beat about the head pretty bad, but not so bad as the other, though in one place the pistol cut pretty deep in.

Question. Did you know any of the parties?

Answer. Yes, sir.

Question. What are their names?

Answer. Mel. Kennedy, Asa McMullen, and Frank Knight. I am well acquainted with those men.

Question. Have any of those men been punished, or any attempt made to punish them?

Answer. Not that I know of.

Question. Have they been arrested and brought to trial?

Answer. They had two of those men up here, Asa McMullen and Melvin Kennedy.

Question. Before the court here?

Answer. Yes, sir.

Question. What did they do with them?

Answer. I do not know.

Question. Did you go before the grand jury here?

Answer. Yes, sir.

Question. Was nothing done with them in Gwinnett County?

Answer. Not that I know of.

Question. Do you know of any other Ku-Klux doings besides what you have spoken of?

Answer. Yes, sir; I do not know the men, for I was not there. Two men, very shortly afterward, who called themselves Ku-Klux, went to a brother of mine in the church, a half a mile from my house, about two hours before day, and took him out. They prevailed with him some time before they got him out of the house. They said they would not abuse him in any way. At length they got him out, and they worked on him pretty severely.

Question. What did they do with him?

Answer. They beat him with sticks pretty severely. His name is Harry Griffith.

Question. Do you know of any other cases?

Answer. I have a son that lives with the widow Perry, cropping with her for a fourth. He agreed to stay with Mrs. Perry and take care of her things; and every Saturday night he generally went to his mother's house. He went from there one Saturday night, and they hopped on to him and gave him a frailing-out; and they frailed out his mother the same night.

Question. How many of them were there?

Answer. I understood that there were about eight of them there that night.

Question. What did they do with him?

Answer. They made him pull off his shirt, and then they whipped him, as well as I recollect. I cannot recollect about other people as well as I can about myself.

Question. And they whipped his mother?

Answer. Yes, sir. She is a woman that I had for several years before I was free. At length she and me got apart, and we are apart yet.

Question. What did they whip your son and his mother for?

Answer. Well, I cannot tell you more than this: I asked him something about it. He said they asked him about how did he do when he met a white man; did he take off his hat and bow to him. I believe he told them that if he was well acquainted with him he did; but if he was a young person like himself, he generally called him by his name. I think that is about the most they whipped him for.

Question. What did they whip his mother for?

Answer. I could not tell you about that.

Question. You do not know what reason they gave?

Answer. No, sir. I think I heard, but I have forgotten.

Question. Do you know of any other cases besides those you have named?

Answer. No, sir.

By Mr. BAYARD:

Question. Were you before the grand jury here?

Answer. Yes, sir.

Question. Did you have these parties indicted?

Answer. Well, Mr. Holmes subpœnaed me and brought me up here, and I was sworn to tell these things about those men; and that is as far as I ever went with them. I never expected to do anything myself, and I do not think it would have come up at all but for the burning of the court-house. I should have been willing to take my part and gone on with that. I expected to do it; but after I was called up I had to tell the truth. I was raised by old Madison R. Mitchell as his waiter-man, and I was taught to tell nothing but the truth. After it worked like it did, I thought I would tell the truth.

Question. Did you ever make any complaint against those men in Gwinnett County?

Answer. No, sir; I never made any at all.

Question. I mean did you go to any officer, judge, or sheriff, to see if anything could be done to protect you?

Answer. No, sir.

Question. You made no application down there at all?

Answer. No, sir. I came up here, if I recollect right, last Monday two weeks ago. I slipped back home last Saturday night, traveling all night, to see my family; and then I slipped back again. They say if I ever appear down there again they allow to work on me pretty heavy; and I will try to get out from there if I can.

Question. Who came up with you to testify against these people?

Answer. My brother-in-law, Jack Allen, my son-in-law, George Mitchell, my son, Allen Mitchell, and my brother-in-law's son, Henry Allen.

Question. They all went before the grand jury and gave the testimony you have given here?

Answer. Yes, sir.

Question. Kennedy and McMullen were arrested?

Answer. Yes, sir.

Question. Was Knight arrested?

Answer. Those are the three men I swore to.

Question. Were they arrested and brought up here?

Answer. Knight has not been brought up here.

Question. Have you been subpœnaed to come here next spring as a witness to testify?

Answer. Not that I know of.

Question. Did you see Mr. Pope or Mr. Caldwell before you went before the grand jury?

Answer. No, sir.

Question. None of these parties you have named have made any complaint in Gwinnett at all?

Answer. No, sir.

Question. Who is the judge of the superior court in that county?

Answer. I cannot recollect his name; I disremember right now.

Question. Who is solicitor there?

Answer. Now, sir, since I have got out from being a waiter-man I have always been a farmer, and have never been in any law business.

Question. Are there in the country any stills where they make whisky without license?

Answer. I do not think they regard anything about that. I think they just still right ahead generally.

Question. Are there any people in the country around there who are carrying on unlawful stills; and do they give that as a reason for whipping you?

Answer. They are carrying on stills, and I think where stills are carried on unlaw-

fully you can always find plenty of men around to do mischief. There are a plenty of them in Ben Smith's district, and in Tanner's district, and in Vinegar Hill district.

Question. Do you know whether those men suspected you people of having found that they were running those stills?

Answer. I should reckon they did. I have talked with men who I know were distilling, but I am a man who don't make use of spirits. Being very well acquainted in that settlement, they knew that I was very busy there; and I did not think they were particular about trying to keep it secret from me.

Question. What kind of men were those you identified as the men who abused you so; are they of the low class that you say are hanging about stills?

Answer. Pretty much.

Question. Of not much character in the community?

Answer. Well, as you put it to me, I do not think they are much.

Question. Are they of the class you have described as being low, worthless men?

Answer. Well, about the same that I have just put up to you.

Question. You are quite sure you recognized them?

Answer. Yes, sir.

Question. You recognized them enough to say positively they were the persons?

Answer. Yes, sir.

Question. You made that statement to the grand jury?

Answer. Yes, sir.

Question. Did your son and your brother-in-law and those other persons recognize the same parties?

Answer. All the same parties pretty much; I suppose they swore to some other men that I did not.

Question. Of how many did the parties consist that came to your house?

Answer. There were about ten or eleven. I aimed to count them strictly, but one of them commenced working on me and made me forget, and I could not count so well, for they stirred about all around there. I do not know how many were outside there.

By the CHAIRMAN:

Question. You say there was a captain; who was the captain?

Answer. I will myself put up as captain Mel. Kennedy.

Question. Was there anything done about these men distilling; did anybody interfere with them?

Answer. Nobody interfered that I heard of.

Question. You never heard any talk about that?

Answer. Well, they took Mr. McMullen up for distilling; when the officers came down there they took him up for distilling.

Question. That was here lately?

Answer. Yes, sir.

Question. There was nothing of that kind before you were whipped?

Answer. No, sir; not before.

Question. Whose land were you living on?

Answer. On Mr. Chambers's place; or Mr. Chambers takes charge of the land.

ATLANTA, GEORGIA, *October* 27, 1871.

SAMPSON REED (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am between forty-five and forty-six years old; I was born in Jackson County, and I live there yet.

Question. Have you any people there that they call Ku-Klux?

Answer. Yes, sir; there are some who go through there that call themselves by that name.

Question. Have you ever seen any of them?

Answer. Yes, sir.

Question. Tell us all you know about them.

Answer. I know that a crowd of them came to my house one night.

Question. When was that?

Answer. To the best of my recollection, it was on Monday night, the 17th of July last.

Question. How many were there?

Answer. I do not know exactly; as well as I could notice I thought there were between twenty-five or thirty in the gang.

Question. How were they fixed up?
Answer. They were covered up with oil-cloth, or something that looked like that.
Question. Were their horses covered up too?
Answer. I never saw the horses; they walked up to my house.
Question. What did they do?
Answer. They came up shooting, and cursing, and cavorting, and going on and hollered "Open the door." I told them to hold on until I could open the door, but they would not, and broke it down. They broke into the cabin where two of my younger sons were. There were two cabins; they could not find my son there. They broke into my cabin and asked where he was. I said that he had gone to Atlanta. They said it was a damned lie, and one of them struck me with his pistol. I said that I knew he was gone, that he was not there. Three of them struck me, two with pistols and one with a stick.
Question. Did they interfere with any of the rest of your family?
Answer. They struck my other son who is here now, they struck him and knocked him down with a pistol. He jumped up and ran away and they shot at him.
Question. What was your son's name they were inquiring for?
Answer. Charles Reed.
Question. Did you know any of the men who were along?
Answer. Yes, sir.
Question. Who were they.
Answer. One was Milton Whitehead, and I knew Jim Finch. I saw enough of Milton Whitehead's face to know that it was him. I recognized Jim Finch first by his voice; I could tell his voice, for he could not alter it enough to keep me from knowing it.
Question. What reason did they give for treating you in that way?
Answer. None at all, not a bit, more than to just ask me for my son.
Question. Did you ask them why they were treating you so?
Answer. No, sir. I never asked them at all.
Question. What had your son been doing?
Answer. In April they whipped my eldest son, who was married and lived a piece from me and had set in to make a crop; they whipped him powerful bad.
Question. What was his name?
Answer. Mitchell Reed, and my next oldest son said that if he had been there he would have killed somebody, or somebody should have killed him. That was all they had against us; they set out with the resolution to whip us because he said that.

ATLANTA, GEORGIA, *October* 27, 1871.

ANDY REED (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?
Answer. I am now sixteen years old, going on seventeen. I was born in Jackson County, and I live there now.
Question Have you seen any people up there they call Ku-Klux?
Answer. Yes, sir.
Question. How many did you ever see?
Answer. I do not know exactly how many I saw, I could not count them. They came to our house; I saw a great many of them.
Question. How were they fixed up?
Answer. They were dressed in black.
Question. What sort of dress?
Answer. They had on oil-cloth clothes, breeches, coats, caps, and veils to come over their faces.
Question. What did they do?
Answer. They hit me one lick with a pistol and knocked me down; and they hit my father three licks; they broke up a chest and threw everything out of it; and pulled everything off the clothes shelf, and took off three of our guns.
Question. What did they do with the guns?
Answer. I do not know.
Question. Did they carry them off?
Answer. Yes, sir.
Question. Did you ever get them again?
Answer. No, sir.
Question. Was anybody ever arrested for this?
Answer. What? The Ku-Klux?

Question. Yes.
Answer. Some were arrested; but they went home again.
Question. What had they against you that they were treating you this way for?
Answer. They had nothing against me and my father. They went to my other brother's house and whipped him; and then my other oldest brother said that if he had been there in the time of it, "God damn them, he would have killed some of them;" and they were after him when they came to our house, but he was gone.
Question. Did you ever see them at any other time?
Answer. No, sir; I never saw them any other time.

By Mr. BAYARD:

Question. Have you and your father been here before the grand jury in this matter?
Answer. Yes, sir.
Question. And you have given your testimony in there?
Answer. Yes, sir.
Question. You say all of these men were arrested?
Answer. Yes, sir.
Question. How many?
Answer. Eleven, I believe.
Question. Were they brought here?
Answer. Yes, sir.
Question. They were all disguised men?
Answer. Yes, sir; when they came to our house.
Question. Did you know any of them?
Answer. Yes, sir; one.
Question. Eleven were arrested, and you knew one of them?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Was it understood that they had been doing any other mischief besides what they did at your house?
Answer. Yes, sir; they went to my other brother's house, and to Mr. Holliday's; that was all I knew of them.
Question. The same men that were at your house?
Answer. It was supposed so.

ATLANTA, GEORGIA, *October* 27, 1871.

MITCHELL REED (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am about twenty-two years old, I reckon; I was born in Jackson County, and I live at Stone Mountain.
Question. When did you leave Jackson County?
Answer. I left about the 1st of April.
Question. Why did you leave?
Answer. Because the Ku-Klux got afoul of me and whipped me; and I was afraid to stay there.
Question. How long before you left did they come upon you?
Answer. I left right straight, as soon as they come on me.
Question. How many were there?
Answer. About fifteen or twenty.
Question. How were they fixed up?
Answer. They were disguised up.
Question. In what way?
Answer. They had on these masks, whatever you call them, over their heads and faces, most of them. Some of them had just blacked up the biggest part of the face.
Question. Go on and tell us all that they did.
Answer. They came to my house; I was lying in the bed, but was not asleep. I was sort of expecting them; I heard that they had put out threats that they were coming there, and I was expecting them all the time. I was awake when they came. They called to me to come out, and I told them I did not want to. They said that I should come out. I said that I did not want to come out, that I had done nothing to come out for. They said, "Come out, we want to talk with you a while, and the quicker you come out the better it will be for you." I opened the door and came out. They talked with me a few minutes, and one of them said, "There he is, boys." Two of them took

me and carried me down the road about fifty yards from the house. One of them told me to take off my shirt; I did so, and they whipped me. They said they had heard I had been sassing some white man, and they came there to make me a good boy. I and a white man had had a falling out at a corn-shucking, and I had been expecting them for some time.

Question. What did the white man say to you when you had a falling out with him?

Answer. He said he would pay me out for it.

Question. What was his name?

Answer. Ab Pendergrass.

Question. Was he along that night they whipped you?

Answer. Yes, sir.

Question. Who was the man who said, "There he is, boys?"

Answer. Jim Finch.

Question. Who was the captain of that crowd?

Answer. I cannot tell who was captain.

Question. How much did they whip you?

Answer. I do not know; I reckon they hit me about fifty.

Question. With what?

Answer. With the staff end of a big whip. I caught it in my hand at the time they were whipping me; they jerked it out of my hands and said, "God damn you, if you catch hold of it again we will kill you." I did not take it any more. They said they were Ku-Klux, and came out of the ground, and did not want to be talked about.

By Mr. SCOFIELD:

Question. That is, that they were dead men?

Answer. Yes, sir.

Question. And they said they did not want to be talked about?

Answer. Yes, sir; they said they were not to be talked about, and told me to keep in my house.

By the CHAIRMAN:

Question. Did they do anything more to you?

Answer. No, sir. They said that they supposed I thought I had had a whipping, but that if I left the place where I was, I would get one sure enough.

Question. You came away?

Answer. Yes, sir.

Question. Have you been back since?

Answer. Yes, sir; a time or two.

Question. Did you see any of these men when you went back?

Answer. Yes, sir.

Question. Did they say anything to you?

Answer. No, sir; I just sort of slipped in a time or two. When I got money enough I went there to move away my wife.

Question. Have any of these men been punished for whipping you?

Answer. Not that I know of.

Question. Have any of them been arrested?

Answer. They arrested some and brought them up here. They were all pretty much the same men that went to Mr. Halliday's. They brought up all of that crowd that I know but two; Ab Pendergrass and Tom McElhannon they did not bring up.

Question. Did they do anything in Jackson County toward punishing them?

Answer. Not that I know of.

By Mr. BAYARD:

Question. You have been before the grand jury here and given the same testimony that you have given here now?

Answer. Yes, sir.

Question. And your father and brother have done the same?

Answer. Yes, sir.

Question. That was the case of Mr. Holliday?

Answer. Yes, sir.

Question. You were one of the witnesses in that case?

Answer. Not exactly; they came on me before they came on him.

Question. You testified about the same band of men?

Answer. Yes, sir.

By the CHAIRMAN:

Question. They attacked you in April, and attacked Mr. Holliday in the July afterward?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 27, 1871.

PRINCE McELHANNON (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I will be thirty-eight years old next May. I was born in Jackson County, and live there now, in Chandler's district.

Question. Have you any people there called Ku-Klux?

Answer. Well, I think there are.

Question. Have you seen any of them?

Answer. I have seen them in this form: this man Charles William Finch told a man by the name of Floyd, who used to live with him, that if old man Prince did not mind, the first thing he knew his body would be cut as fine as dog's hair. I then began to watch out for myself. In about three weeks or a month I lost my mare, and went out hunting for her. They did not want me to hunt for her, but I did it. At Mr. Jack Haney's house I walked out to the back lot. I saw men clustering up there and I thought I would notice what they were doing. They fetched their horses in, about sixteen of them, and carried them inside of the lot and hitched them. I thought perhaps they were fixing to get my mare and carry her off. Directly one of them met me and said, "Who is that?" I said, "Prince." I then said, "Mr. Haney, I saw something to-night that seemed to frighten me." He said, "What is it?" I said, "Nothing much; I want to see further." I commenced looking at the nag, and I said, "Whose nag is this?" He said, "John Reynolds's nag." I said, "H'm-h'm! You are fixing to have a party here to-night; I did not see but one woman in the house." He was below the gate and he turned the nag around right quick, and went into the house as quick as he could. By the time he stepped two steps into the house, every man's tongue stopped just that quick; they were talking before. They all broke up and went away from there. He came to me twice and wanted to talk with me again. I was mad and said, "Never mind; I am a know-nothing; let it pass on." Then maybe in two weeks Joe Jones came to my house, and complained of being lame. I asked him more particularly about it; "Where did you take this pain at?" He said, "Right up by the side of the fence yonder." I said, "H'm-h'm!" He said, "Maybe something struck me." He said, "I went over there to get your brother-in-law;" he tried to get me to go with him. But I was dubious to go on for they threatened me. When he found that I would not go he began to get better. I said, "Come into the house, I will give you as good a fire as I can." I gave him two sticks to get into the house with, and thought while he is in there I will be out. He sat down in the house and pulled off his right shoe. When he was sitting there I walked out, and thought I would go up the road by the fence, and see if there was any men there. Two men dressed in black, with something down over their faces, came walking along. They sidled around me very easy and went on. I went on over to my brother-in-law's, and saw him, and told him what I had seen. These two fellows came down the road, and as I turned to go back I saw this man Jones going back. He said, "I have got a little better." I said, "You have." I talked a little bit with him, and then I said, "Well, you are better, are you?" He said, "Yes." I slipped off both of my shoes and followed him; and as soon as he got over the hill he dropped the stick and walked as good as any man I ever saw. When he got along the road about a mile the horses could be heard riding up and down the road, but they did not get me.

Question. How many were there, as well as you could judge?

Answer. As far as I could judge, seven or eight went to John Haney's that night. I thought they were seeking for me, because they went to no other house.

Question. Was Jones supposed to belong to the company?

Answer. I thought from the way he was acting that of course he was fixing for them.

Question. Is he one of the men that they said belonged to the company?

Answer. Yes, sir.

Question. Was that before or after the attack on Mr. Holliday?

Answer. Before.

Question. How long before?

Answer. I reckon it was about a month maybe, or such a matter.

Question. Did you see anything of them at the time Mr. Holliday was attacked?

Answer. Mr. Holliday said to me: "I think I will be the next fellow they go upon." Mr. Holliday talked mightily against this thing, and they got against him about it. I said, "I think they will have better sense than to go on you." He said, "I do not know; if you see anything, give me notice." The night they came to Mr. Holliday's I heard the horses coming up the road. I crawled along and got close by the fence. They were not in their disguise, and Mr. Parkes Whitehead and Mr. Ab. Pendergrass came right along without saying anything. Presently, I heard another horse come along, and I thought it was William Jones, but it was Jack Jones, riding hastily and trying to overtake those fellows. Then Todd. Kinney came riding by, going up to Richard Johnson's. I asked him why these men were riding about so for at night.

He said he did not know. He came back from Johnson's and said that he asked if there were three strange men going by in their shirt-sleeves; and he said he did not see them. I said, "Three strange men! I say, Todd, you go back and tell Mr. Holliday to be sure and hold up his head all this night." He said he would do so. I took my mare and went down to the swamp, for I knew they had been up to something there from the signs I saw. I carried my mare around behind the corn to see if anybody was pursuing me. Just as the moon went down the muss commenced at Mr. Holliday's house, about a mile from me, something like an army; the cows bellowed in the time of it. Directly I heard them at the door, and then I heard his wife screaming and hollering. My heart began to ache, for I knew they had been on somebody. I heard the next morning that they had been on Mr. Holliday, and that he had played the wild with them.

By Mr. BAYARD:

Question. Who told you that?

Answer. My daughter, who had been up to my brother-in-law's.

By the CHAIRMAN:

Question. Did you know those two men you saw as they went up to your brother-in-law's?

Answer. No, sir; I did not know who they were. That same night they rode in black, though they were going in white before that night, and they have been in black ever since that.

Question. Have you ever been threatened by them since that?

Answer. Yes, sir; old Mrs. Finch told Reuben Hancock, and he told it in the presence of another colored man. He asked me if they had anything against me, and I said I did not know. He said, "Mrs. Finch said, the other day, that the first thing Prince knows they will run him up." Some one said to her, "Why? he always attends to his own business." She said, "Yes, but he attends to some other things, too." Then Parks Whitehead told Reuben and Zeno Perkins that there was another big gentleman they were going to run on some of these times. Some of them said, "Who?" He said, "Mr. Prince, up here." That was since they went to Mr. Holliday's.

Question. What had they against you?

Answer. Nothing, only I lived with my people, and I rented my own land, and farmed on my own hook. They tried to hire me for 50 cents a day, when what I got on my farm was worth $2 a day. One of them, Jack Finch, cut my boy one Sunday with a knife. I went to him, and talked with him about it; I thought it was just his mean nature. I said to him, "What did you do it for?" He said, "We was playing." I said, "You do not suffer anybody to play with you with a knife, for sometimes they get hurt." It then began to rise, until there was a great feeling against me. I have no trouble in getting credit; my word is taken. My old boss, that raised me from the cradle, told me, when I was carried before the board once, "Every man believes what you have said, and that is what I want." But he was a singular man from the rest of them.

Question. What do you mean by that?

Answer. Others would call us "free niggers," but he would not. Now I am fearful to go back home.

Question. Was there anything in the election, or in voting, that made this thing come up?

Answer. They went around and did all they could. I heard that they said they intended to whip every one who voted the radical ticket.

Question. Did you vote the radical ticket?

Answer. Yes, sir. They tried to get me to vote the other way, but I fooled them and threw a radical ticket. I have never voted any other sort of ticket.

Question. They tried to get you to vote the democratic ticket?

Answer. Yes, sir; I took it in my hand, but when I voted I voted the radical ticket.

Question. Who tried to get you to do that; some of the men who were riding about there?

Answer. Yes, sir; Mr. John Hancock was up to be elected, and those men who were riding about there were the men who were hanging around and doing all they could for his election. Jack Haney was a neighbor of his, and went around with whisky for them to drink their drams. I would turn it up like I was going to drink, but then it did not go down.

Question. How long since these people have been going about through that country?

Answer. It has been about three years this goober-digging time, as well as I can remember. I was at Jefferson one day selling some goobers, and some fellows were standing around there. Two men said to another one, "Ku-Klux boys." They had been telling about the dead rising out of the ground. I said to old Mr. Whitehead, "They tell me that people have got to rising out of the ground." He said, "Prince

that is not so; it is just like the old patrollers. It was first in South Carolina and then it came here." After these men got around in the settlement they had a tale on me that I had seen these men; but I said I had not. I said, "It is curious to me that they will say they are our friends, Mr. Whitehead, and then they go and do like they are doing." After telling me the year before that they were patrollers, when that got around they said they are something that comes out of the ground.

Question. When is it goober-digging time?

Answer. It is about now. I have some to dig now, and some corn to gather, but I am afraid to go home.

By Mr. BAYARD:

Question. Were you before the grand jury here?

Answer. No, sir.

Question. You were not here at that time?

Answer. Yes, sir.

Question. Were you examined as to your testimony?

Answer. Yes, sir; some of the solicitors talked to me, but I never went before the grand jury.

Question. You were examined by the United States officers, but you did not go before the grand jury.

Answer. Yes, sir.

Question. You told them what you have told us here?

Answer. Yes, sir; but I have told of some things here I could not think of then; I have more time now.

Question. Were you summoned to testify about the attack on Mr. Holliday's house?

Answer. Yes, sir.

Question. You have told us you were a mile that night from Mr. Holliday's house, and that you heard a woman scream a mile off?

Answer. Yes, sir.

Question You were not nearer during the whole affair?

Answer. No, sir.

Question. Excepting what you have told here that you have seen yourself, is the rest of your statement based upon rumors around you in the neighborhood?

Answer. Upon what people say?

Question. Yes.

Answer. I have told some from what I have heard them say.

Question. Is that what your information is based upon—rumors from other people?

Answer. No, sir; upon what I know.

Question. You have told us what you saw, and then you talked about Mrs. Finch; and you said that Mrs. Finch told Reuben Hancock something?

Answer. Yes, sir.

Question. And Reuben Hancock told you?

Answer. Yes, sir; he told me as a friend that she had threatened me, and I said she had better mind, for a threat might go further than she thought for.

ATLANTA, GEORGIA, *October* 27, 1871.

WESLEY IVEY (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I was forty-three years old last month. I was born in Jackson County, and I live there now, on Mulberry River.

Question. Have you any people in Jackson County that they call Ku-Klux?

Answer. There are some there; I never saw any of them; they never troubled me.

Question. How long since you have heard of them about there?

Answer. I heard of them frequently before they troubled Mr. Holliday.

Question. What were they doing?

Answer. Some black people were interrupted and whipped sometimes; some they only talked to.

Question. They did not molest you?

Answer. No, sir; and I have never seen them passing.

Question. Where do you live?

Answer. Right on the Mulberry, two miles the other side of the town of Mulberry. They have been in the neighborhood, but I never have seen them passing, and they have never been to my house.

By Mr. BAYARD:

Question. Were you before the grand jury here in Mr. Holliday's case?

Answer. No, sir; they never carried me up there.
Question. You were summoned here in that case?
Answer. Yes, sir.
Question. You were examined by the district attorney in that case?
Answer. Yes, sir.
Question. You did not know anything about it?
Answer. No, sir.

ATLANTA, GEORGIA, *October* 27, 1871.

REUBEN SHEETS (colored) sworn and examined.

By the CHAIRMAN:

Question. Tell your age, where you were born, and where you now live.
Answer. I am fifty-three years old; I was born in Clarke County, and I live now in Walton County.
Question How long have you lived in Walton County?
Answer. Well, I was living there before the surrender. I lived up there a year and a half before the surrender, and made two crops.
Question. Were you a slave or a free man?
Answer. I was a slave and belonged to Benhadad Sheets.
Question. Are there any people in your county that are called Ku-Klux?
Answer. Yes, sir; that is the name they call them.
Question. Tell us what you know about them?
Answer. There were five of them came into my house this last March. When they came there they called me. My wife and children got scared, and waked me up, and said that the Ku-Klux were there. They kicked the door two or three times, and I jumped up, and asked who it was. They kept hollering, "Open the door." I did not open it for some time, until they called my name. They talked sort of out-countryman fashion, and I could not understand them. After a while they asked, "Is this Uncle Reuben?" I said, "Yes." They said, "Open the door and we will not hurt you." I opened the door then, and they came in. I gave them seats, and they all sat down, and said that they wanted to advise me a little. They talked one thing and another, but I could not recollect everything they did say. They told me that they had heard I was a good man, that they had heard my name a hundred miles.
Question. Where did they say they were from?
Answer. They told me they were from Oglethorpe County.
Question. Did they say what business they had up there?
Answer. They said there were colored people up there that cursed right smart, and some talked sassy to white people, and they did not intend to have them run over the country. That is what they said to me. I said to them that I always behaved myself, and that the man who raised me, and the man who owned me last, could tell them so. They said they had heard of me.
Question. What made them come to your house?
Answer. That I never knew. That was what made me so uneasy, and I have never rested good since. But I thought this, that the Lord would provide for me, and I tried to work all the time. I got so that I had my own stock, and I had right smart of property. The man who rented his plantation to me gave me posseesion of it as long as I staid there.
Question. What did they say about coming to your house?
Answer. They said they had nothing against me, but they thought they would come in and see if I would like to have anybody visit me. I said I did sometimes. They asked me if I liked to have such company as they were. I said nothing. Of course I was scared nearly about to death. They asked me if I was scared, and I said I was. The reason I was scared was, that they came in with their pistols, and I was afraid they would shoot me.
Question. Did you know any of them?
Answer. I suspicioned some of them, and before my God and Master I will say I did think I knew them; but I was scared bad.
Question. Were they people that lived in your neighborhood?
Answer. I thought so. One man I never saw much; his head was covered up with something that looked like a meal sack, with red around his mouth and eyes. I thought I could catch his voice sometimes.
Question. Did they ask any questions about other colored people?
Answer. Yes, sir; about a man living right near me.
Question. They came to your house in March?
Answer. Yes, sir.
Question. Have you seen them, or heard of them since?

Answer. I have not seen them in uniform since, but they have been around there since, for a great many of my color have seen them. Some have said they would be down to my house some time or another.

Question. Has anybody been interfered with by them?

Answer. Yes, sir; the same night they came to my house they whipped Augustus Mills and his wife mighty bad.

Question. Did they whip any others?

Answer. Yes, sir; there were some whipped that night. My brother-in-law was run out of his house that night, but he got away, and Abel Smith and Rufe Smith were whipped that night.

Question. Did you see them after they were whipped?

Answer. I did not see any of them after they were whipped. Augustus Mills left in a day or two, and I staid at home, and did not know they had come there until afterwards. The doctor's son came there and told me to stay there and attend to my crop, and if they interfered with me or come there again he would spend the last dollar he had to protect me; that he would as soon have me there as any white man, or anybody else.

Question. Did any of them say how you ought to vote?

Answer. No, sir; not at that time. Along back—I cannot say what time—one and another talked to me about voting.

Question. How did they tell you to vote?

Answer. Some said that I ought to vote the way they said, so as to keep up the country. I said that I knew nothing about it, that I could not read, but that I had voted, and took my oath to support the Constitution, and that I expected to vote that way. They said how did I know that. I said, I did not know it at all; but that was my notion.

Question. What did the white people around there say about the Ku-Klux?

Answer. Well, some few white people talked mightily against them, and said they were ruining them, and running their labor off.

Question. What did others say?

Answer. Some said that all had to work at one price; that they all had to work at negro's prices, and they would not do it. They said I had been working cheap, and they would have to work cheap; that all had to work at one price.

Question. Who said that?

Answer. Men in the neighborhood; I could not say who it was exactly. All around me there want me to live with them, but I have not made any bargain. The man I live with always treated me right, just as my master did. I never had a lick from him after I was a man.

By Mr. BAYARD:

Question. Were you before the grand jury here as a witness?

Answer. I was brought here by Mr. Brand, who subpœnaed me to come here.

Question. How long have you been here?

Answer. This will make two weeks. I went home Saturday night, for I wanted to see my wife, who was down sick; but then I came back.

Question. You have been here for two weeks, summoned by the United States marshal?

Answer. Yes, sir.

Question. Are Letty Mills, Augustus Mills, and all those people from your neighborhood?

Answer. Yes, sir.

Question. Who were the people you suspected there; who was the one you thought you knew?

Answer. He was a man who kept a store.

Question. Was it a man by the name of Felker?

Answer. Yes, sir.

Question. Did Mr. Felker keep a still there?

Answer. I cannot tell whether he did or not; I do not know anything about his still business at all. But I know he kept a store, and that was all that interested me.

Question. Did you know Letty Mills, and Augustus Mills, and all of that party who come up here about the same business?

Answer. Yes, sir.

Question. You have told us all you know about it?

Answer. Yes, sir.

Question. You say you heard these men say something about all working at one price?

Answer. Yes, sir.

Question. What is the common price in that country for the labor performed by colored men and boys?

Answer. They work at different prices. Sometimes a good hand will get a tolerable good price.

Question. What do you pay for men to work for you?
Answer. I pay a half a dollar a day and feed them.
Question. When you do not feed them how much do you pay?
Answer. I do not work in that way.
Question. You pay them that during the cropping season?
Answer. Yes, sir.
Question. Is that the common price for the labor of colored men in that country?
Answer. Hardly any ever get any more, and some do not get that. Some get only 40 or 45 cents a day, and some only 35 cents; a heap of them hire for 35 cents a day. When I am pushed I give the top price, sometimes a half dollar and feed them, and sometimes more. But that is the regular price; that is as good a price as they get. I hardly ever hire except when pushed; I work my own children.
Question. What is the average wages of men who come up here with you to testify?
Answer. They generally have been farming for themselves.
Question. What does Augustus Mills get?
Answer. He was farming for himself.
Question. What wages would such a man as he ordinarily command?
Answer. Mr. Lowe gave them half, and furnished the stock.
Question. He was farming on shares?
Answer. Yes, sir; there is another man here who was hired.
Question. What does he get?
Answer. About $80 a year.
Question. What is his name?
Answer. Lewis Anderson.

ATLANTA, GEORGIA, *October* 27, 1871.

DANIEL LANE (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I will be thirty-seven years old next September; I was born in Morgan County; I came up here about three months ago.
Question. What did you come up here for?
Answer. The Ku-Klux whipped me and I was obliged to go away.
Question. At what time did they whip you?
Answer. The 11th night in July.
Question. How many were there?
Answer. Well, a whole crowd; I could not tell how many; they had me fastened. They said there were fifteen in that bunch; I had to take their word for it.
Question. Did you know any of them?
Answer. They were fixed up in such a way I could hardly see. One of them said to me, "Are you going to the station and get a warrant for me?" I said, "It is hard to get a warrant for a man in your fix."
Question. What did they do?
Answer. They took me down and beat me powerfully; and said they were coming again in six weeks.
Question. How did they get hold of you?
Answer. They came into the house and got me.
Question. Did you open the door?
Answer. Yes, sir. They told me they wanted a drink of water, and I opened the door for them, and they just burst right in.
Question. Where did they whip you, in the house or out of doors?
Answer. Right in the house; they never carried me anywhere.
Question. With what did they whip you?
Answer. With hickory sticks that they carried in their hands.
Question. How many blows did they give you?
Answer. When they turned me loose I could not go about. My wife had to wash me with salt and water, and grease me good; I did not get about for a week.
Question. Did they whip you with your clothes on, or on your bare back?
Answer. I had nothing on but my shirt and pants.
Question. What had they against you?
Answer. I will tell you what they said. A white gentleman had tried to get a colored lady to hoe cotton for him; she did not do it, and I hired her. He said that he had hired her, but it was something I did not know anything about. I suppose that is what they whipped me for.
Question. Did they say that is what they whipped you for?
Answer. Yes, sir; they said that was one thing; and the other thing was, that they

allowed I was rather too big around with white men. I said that I was born in the same house I was in, and that I never had had a falling out with a white man yet.

Question. Had you ever seen the Ku-Klux before that time?

Answer. No, sir.

Question. Had you ever heard of their being about through the country there?

Answer. I had heard of them, and I know they shot a great many of them in the arms and body; but then I never saw them.

Question. What have they been doing there?

Answer. Which; the Ku-Klux?

Question. Yes.

Answer. Going around whipping folks. They have been doing it for the last three years right there where I staid.

Question. How many have they whipped?

Answer. I cannot tell; they have whipped a good many of them.

Question. Can you tell us who any of them were?

Answer. There are one or two sitting now in the other room there.

Question. How many, all together, do you suppose have been whipped there?

Answer. Well, sir, they whipped more than a hundred of them, as I hear; I cannot tell who they were, all of them; some I know and some I do not.

Question. How many people do you suppose belong to the Ku-Klux there; how many is it understood belong to them?

Answer. Well, sir, that is too hard for me; that is something I never found out.

Question. Who do they suppose is the captain of the Ku-Klux there?

Answer. Well, sir, that is something I cannot tell; it is no use for me to talk about that I do not know.

Question. Are there any of those people in your county that they call radicals, white people?

Answer. Some few about there.

Question. What do they have to say about the Ku-Klux?

Answer. They talk about them that they do not like it; but then that would do me no good; they beat me.

Question. Why did you come away from there?

Answer. They told me that they were coming again in six weeks. Now, if a man is warned of danger and he stays and is caught again, it's his own fault.

Question. What did you do with your property there?

Answer. Left it all, corn, cotton, horse, wagon, and everything.

Question. Who is taking care of it?

Answer. There is one white gentleman I owed something to, and I told him he might have my crop for what I owed him.

Question. How much did you owe him?

Answer. He said I owed him about a hundred dollars, and I told him he might take the crop for it. The horse and wagon I left with a man to take care of until I saw him again.

Question. Why do you not go back there?

Answer. I am afraid they will come on me again.

By Mr. SCOFIELD:

Question. Have they burned any buildings in that county?

Answer. Nary one that I know of, where I have worked.

Question. They have burned no school-houses or meeting-houses there?

Answer. No, sir. They set a brush-arbor afire where colored folks hold meetings

By Mr. BAYARD:

Question. Who did that?

Answer. I do not know; it was done in the night, and I am not able to tell who did it.

By Mr. SCOFIELD:

Question. Did the Ku-Klux do it?

Answer. They went for Ku-Klux.

Question. Do you know why they burned it; are they opposed to the colored people having meetings?

Answer. That is what they say.

Question. Have the colored people any schools there?

Answer. They got up one about two months before I came away, but how they are doing with it I am not able to tell.

By Mr. BAYARD:

Question. Have you been before the grand jury here?

Answer. No, sir.

Question. Were you summoned here by the United States marshal?

Answer. No, sir.
Question. How long have you been here?
Answer. I have been right here since last Thursday.
Question. Who summoned you to come here?
Answer. Some colored folks here told me about it.
Question. You were living in Atlanta?
Answer. Yes, sir.
Question. How many days have you been here?
Answer. Since Thursday, but I never got my name till Monday night just at sundown.
Question. You spoke of a colored lady that you hired there?
Answer. Yes, sir; a white man asked the colored lady to hoe cotton for him.
Question. And you hired her?
Answer. She would not hoe cotton for him, and I hired her for one week.
Question. And that produced a quarrel with you?
Answer. Yes, sir.
Question. Did she hoe your cotton?
Answer. Yes, sir; one week.
Question. What did you pay her for that week's work?
Answer. A dollar a day and she boarded herself.
Question. And that produced a quarrel between you and this man?
Answer. Yes, sir.
Question. Do you think that is what led to your being beaten?
Answer. That is the first thing they told me when they got into the house.
Question. What did they say to you about a warrant?
Answer. They asked if I was going to Rutledge Station to get a warrant and take them up. They asked me if I knew them, and I said it was mighty hard to know a man in that fix. He stood to it that I did know him, but I would not own it for fear I would be wrong.
Question. When was this quarrel about the colored lady that hoed cotton for you?
Answer. There was no quarrel at all.
Question. When did you hire her?
Answer. The second week in July.
Question. In what year?
Answer. This year.
Question. What have you been doing here in Atlanta?
Answer. When I first came here I was not able to do anything, much. Then I knocked about and cut a little wood for a white gentleman I know very well, and then I worked for Mr. Jones in a livery stable.
Question. What wages did you get?
Answer. A dollar a day.
Question. And find yourself?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 27, 1871.

GEORGE FLEMISTER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I am twenty-seven years old; I was born in Jasper County, and I now live in Morgan County.
Question. What is the county seat of Morgan County?
Answer. Madison?
Question. Do you know anything about a colored man by the name of Charles Clarke, who was in jail in Madison?
Answer. Yes, sir.
Question. State what you know about him, and what was done with him.
Answer. In the first place they put him in jail; the next day they took him out and tried him, but the judge said he was not guilty. They then took him and put him back in jail. I told the boys that they were going to kill that man, and that we must try and guard the jail. I got up a crowd of colored men, with all the arms we could get and guarded the jail. We guarded the jail until we could get no powder and shot; they would not let us have the first bit in the world. On Sunday afternoon I went to the mayor and told him that they were sure to kill that man; that they did not put him back in jail for anything else but to kill him. He said, "You need not be uneasy, and don't you be pretending to guard the jail." I said, "Somebody ought to do it; it is your business to have somebody guard it; you are the mayor of the town." He said,

"O, you need not be uneasy; he will not be killed." Everybody just got demoralized and dropped down, and would not try to guard the jail. They had threatened me before, and on Monday night I said, "It will not do for me to stay in my house, for they will kill me if they kill him." They commenced coming into town that evening about 5 o'clock; they filled the town up with white people from the country. I went home and got my gun and went out into the road, and up into the town. About 12 o'clock in the night there came, I reckon, about fifty men from down towards the south, and went to the jailer's house. I heard them call for him; I was close enough to hear them call for him. They demanded the key of the jail, and he gave them the key. They then went into the jail-house and shot the man's guts out; they shot him twice in the head. Then they went to this man's uncle and beat him nearly to death. They had to haul him the next morning about a mile and a half under a guard. I heard from him the other day; they said they could haul him to the train and send him up here, but they beat him very near to death. And they beat another one there; they arrested him on the street, and knocked him down with a gun, and kept him with them until they got through doing what devilment they wanted to do. They went to my shoe-shop, and went up in the store and plundered it, and went around where there was some people living and asked where George Flemister was, and said they wanted some shoes mended. That was a pretty time of night for me to mend shoes for them. They then stuck my name on the jail-house door, and said they were going to kill me; that I was one of the leading men there, and they were going to get me, and when they got me they would be satisfied. I did not know what to do about it; I just turned in and packed up my tools and came off up here.

Question. When was this?

Answer. It was just exactly four weeks ago yesterday. They said they were coming the next night after me. My place is about a mile and a quarter out of town. I went that night about three miles out of town, and left the report in town that I was going to Atlanta that night to keep them from searching for me. I went back to town the next morning. I owed a little money there to one white man, and he said, "I supposed you were going away." I said, "Yes, I am going away; I cannot stay here; you have killed that man and you will kill me." He said, "Do you say I killed him?" I said, "I do not say you did it, but white folks killed him; they call themselves Ku-Klux, but they are just disguised white men." He said, "Now, George, if you will just sign your hand to this paper, and then be a good boy, just sign this paper in favor of the Ku-Klux, you can stay here safe; but if you do not you had better leave here, and that damn quick." I said, "Well, I can leave; I reckon Atlanta is big enough to hold me."

Question. What was that paper?

Answer. I do not know; I cannot read.

Question. He did not read it to you?

Answer. No, sir; he just had a small piece of paper, and told me if I would sign I could stay there.

By Mr. SCOFIELD:

Question. Did he tell you what it was?

Answer. No, sir; he just said, "Sign this paper in favor of the Ku-Klux, and be a good boy, and you can stay here."

By the CHAIRMAN:

Question. What is the name of the mayor of Madison?

Answer. Rollin Thomason.

Question. How many disguised people were concerned in putting Clarke to death?

Answer. There were about fifty of them.

Question. How were they disguised?

Answer. They had on some long gowns and dough-faces, and some great sharp things upon their heads—some of them. It was dark and I could not tell exactly how they were dressed.

Question. Were they riding or walking?

Answer. They hitched their horses about a mile from town and walked into town.

Question. Where did they come from?

Answer. I do not know where they originated from; but I always believed that they were right in town, and went out of town and dressed themselves and came back.

Question. Were there many people about town at the time they came in?

Answer. There were a great many people about that evening. But just about that time of night everything got still and quiet; they were all up in their halls.

Question. What do you mean by "all up in their halls?"

Answer. Of all the white people that were down in the streets in the evening, you could not find any of them anywhere. There was but one man that I saw, and they arrested him.

Question. Who was he?

Answer. Doctor Bell. The jailer was standing right at the stable-door, and they arrested him.

Question. Who was the jailer?

Answer. John Dexter.

Question. What did you say about people being in the hall?

Answer. In a place they called the mayor's office, some of them; and I believe a Masonic meeting was going on that night. I do not know for certain, but there was a light there.

Question. Was there any noise made or alarm given?

Answer. Not until these men began to come in. Just as they got up on the square they commenced to yell; they gave a kind of whoop and went running to the jail.

Question. Did not anybody come out from the hall or from the mayor's office to see what the matter was?

Answer. Nobody at all.

Question. Nobody interfered with them any way?

Answer. No, sir.

Question. Is Madison the residence of Senator Joshua Hill?

Answer. Yes, sir.

Question. How far does he live from the jail?

Answer. Just about a quarter of a mile.

Question. Was he at home at that time?

Answer. Yes, sir; I think he was. I saw him on Sunday night; he passed as close to me as I am to this gentleman here. [Pointing to a member of the committee.] I had my shot-gun in my hand then; he never said a word.

Question. You say you went to the mayor and told him that you thought this man was in danger?

Answer. Yes, sir.

Question. Did you go to Mr. Hill?

Answer. No, sir.

Question. Why not?

Answer. I did not know anything at all that Mr. Hill had to do with it. We elected this mayor there to take care of the town, and to see us righted in everything; the town officers had that to do.

Question. What was this man Clarke charged with?

Answer. They said that he ravished a school-girl, Mr. Hume's daughter.

Question. Who was the judge who examined the case?

Answer. Judge Barnett.

Question. You say that when he examined the case he did not find evidence enough to hold him guilty?

Answer. No, sir.

Question. Why was he put back in jail?

Answer. I do not know, any more than he was just put back there to be killed. I was there at his trial.

Question. You heard the evidence?

Answer. Yes, sir.

Question. How many of you guarded the jail?

Answer. On Saturday night we had forty or fifty.

Question. All colored people?

Answer. Yes, sir.

Question. Did they believe Clarke to be guilty?

Answer. No, sir; they all thought that he was not guilty.

Question. If they had supposed Clarke had been guilty of that crime, would they have tried to protect him?

Answer. No, sir; I do not think they would.

Question. They would have been willing to have seen him punished?

Answer. Yes, sir, only this: here was the part we took; after clearing the man before the law, then to imprison him when he was not guilty we thought was wrong. I should think that when a man is assassinated in a jail-house, they took the law into their own hands. They ought to have let the law take its course with the man, I should think.

Question. Do you know a man by the name of Elijah Stone?

Answer. I know one by the name of Elijah Store, not Stone.

Question. Do you know another by the name of Henry Hogue?

Answer. Yes, sir; he is the marshal.

Question. Marshal of the town?

Answer. Yes, sir.

Question. Do you know John Hill, son of Joshua Hill?

Answer. Yes, sir.

Question. Were those three men in the crowd that went there that night and shot Clarke?

Answer. I could not tell anything about that; they were disguised, and it was dark.
Question. Do you know Weldon Price?
Answer. No, sir.
Question. Is there a Doctor Anderson there?
Answer. Yes, sir; he lives out in the country.
Question. Has he a son James?
Answer. Not that I know of.
Question. Is there a man there by the name of Greene S. Foster?
Answer. Yes, sir; he is a lawyer.
Question. Is there a man there by the name of James W. Reese?
Answer. Yes, sir; he is a lawyer.
Question. Is there a man there by the name of G. F. Ponder?
Answer. I know him; he lives in the country.
Question. Is there a man there by the name of G. N. Dexter?
Answer. He is a lawyer.
Question. Is there a man there by the name of Washington Porter?
Answer. Yes, sir; I know him.
Question. Is he a white man?
Answer. He is a colored man.
Question. Where is he?
Answer. He is down there.
Question. Were those men I have named in that crowd that night?
Answer. I do not know whether they were or not. That colored man, Wash. Howard, used to belong to old man Porter. I know him well; we used to live neighbors together, just a fence betwixt us.
Question. How long have you heard of these people they call Ku-Klux in that county?
Answer. I have been hearing of them for three years.
Question. Have they ever done any other mischief except this?
Answer. Yes, sir.
Question. What?
Answer. Well, they have been beating the colored people there during the three years.
Question. How many have they beaten?
Answer. There was one colored woman came there very badly beaten, and one colored woman they took off to kill, and she jumped into a well to keep them from killing her, and they threw rocks in the well on her. She came to my shop and told me about it. She went to the court-house to get protection in some way or another, but the ordinary, Major Woods, told her that he could not do anything for her. She is about there somewhere now. One colored man up at Pahogasville they killed dead. He killed one of them, and they killed him.
Question. How came he to kill one of them?
Answer. They run in the house on him, and he killed one with his ax.
Question. And then they killed him?
Answer. Yes.
Question. What was his name?
Answer. Sam. something; I forgot the other name.
Question. Are there any other cases that you can mention?
Answer. I believe they are all up here that were beaten. Some three or four are up here now.
Question. Have there been other people whipped in the county besides those you have named?
Answer. I have heard of several that they have beat up around there, but they never left their home.
Question. Has there been any attempt made to arrest and punish those men who went there and shot this man Clarke?
Answer. No, sir; not a bit. I will tell you what they did. There was a man they had there in the jail-house; they were going to hang him. He was in the dungeon chained down. They took that man out of the jail-house, and called a jury, and tried him before a jury to see if he had not gone up-stairs and killed this man Clarke. That is a mighty bad sign.
Question. Was that a black man or a white man who was chained in the dungeon?
Answer. A black man.
Question. What did they have him in there for?
Answer. He had killed another black man. They both threatened one another, and one killed the other.
Question. They did not molest him when they killed Clarke?
Answer. No, sir; they did not pester him at all.
Question. They tried him, however, to see if he had not got loose and killed Clarke?
Answer. Yes, sir.

By Mr. BAYARD:

Question. When did this killing of Clarke take place?

Answer. Four weeks ago yesterday.
Question. Who was this school-girl that Clarke was charged with having ravished?
Answer. Mr. Hume's daughter.
Question. How old was she?
Answer. She was a young lady. I do not know how old.
Question. Is Mr. Hume a white man?
Answer. Yes, sir.
Question. How far from Madison was this thing alleged to have taken place?
Answer. About a mile and a half in the country. His house is three miles in the country.
Question. This man Charles Clarke was alleged to have ravished this young girl on her way to school?
Answer. Yes, sir.
Question. How long ago was that charge made against him?
Answer. Just about four days before they took him up.
Question. How long after this outrage did they arrest him?
Answer. They went to old man Albert's house in the night after him.
Question. And this young lady gave the information?
Answer. Mr. Hume said that he would not let his daughter go before the court; that he would send her off first. His two young sons came in and gave the evidence.
Question. How long after the time when the girl was alleged to have been ravished did they arrest Charles Clarke?
Answer. Just about four days.
Question. Where did they find him?
Answer. He came to town with his uncle, old man Albert, Charles's uncle; Charles staid in town every night.
Question. Was he in town when they arrested him?
Answer. Yes, sir.
Question. Was old man Albert protecting Charles?
Answer. No, sir; he did not know anything about it until they came there after him.
Question. You say he was Charles's uncle?
Answer. Yes, sir; and he brought Charles to town.
Question. He was the man subsequently beaten by those men?
Answer. Yes, sir.
Question. Where was Charles when they arrested him?
Answer. Right before the mayor's office; he was standing there.
Question. Where did they take him?
Answer. Up into the mayor's office.
Question. What was done with him?
Answer. They kept him there about two hours, I reckon, and then they put him in jail.
Question. Was there any testimony taken by the mayor?
Answer. No, sir.
Question. Were you present?
Answer. Yes, sir.
Question. No witnesses were sworn?
Answer. No, sir.
Question. Was there a warrant for him?
Answer. They had taken one out that morning.
Question. How long did he lie in jail before there was a hearing?
Answer. Until the next morning at 10 o'clock.
Question. Then how was he taken out?
Answer. The jailer took him out.
Question. He took him before whom?
Answer. Before Judge Barnett.
Question. Was there a hearing then?
Answer. Yes, sir.
Question. Were you present?
Answer. Yes, sir.
Question. Were witnesses examined?
Answer. Yes, sir.
Question. After the judge had heard the case, what was the judge's order?
Answer. The opposite party's lawyer, Mr. Reese, appealed for another trial to investigate the case further.
Question. To continue the hearing for further investigation?
Answer. Yes, sir.
Question. The young girl was not there
Answer. No, sir.
Question. Her brothers were there?
Answer. Yes, sir.

Question. What did the judge say about that?
Answer. The judge just gave him up.
Question. Did the judge commit him to prison again?
Answer. The judge told them after they appealed for a new trial that he would commit him to jail.
Question. The man was recommitted to jail in order to make a further investigation of the case?
Answer. Yes, sir.
Question. How long did he remain there before these men came and killed him?
Answer. He was put back in jail Thursday morning; we guarded him Thursday, and Friday the Ku-Klux came, and then——
Question. You say you guarded that jail?
Answer. Yes, sir.
Question. What men did you summon for that purpose, or was it a volunteer guard?
Answer. We talked with old Monday Floyd, a representative of the county; he told the mayor of the town about this thing. The mayor said it was nothing but right that they should guard him.
Question. Then you got together a band of colored men?
Answer. Yes, sir.
Question. How many had you?
Answer. About forty.
Question. Were you all armed?
Answer. Yes, sir.
Question. And you guarded the jail?
Answer. Yes, sir.
Question. You said that you elected the mayor, &c.; what is the political complexion of that county?
Answer. It is radical.
Question. Is the town radical, too?
Answer. We did have a majority of colored people inside of the corporation.
Question. The mayor was elected by your party?
Answer. Yes, sir.
Question. And a representative was elected by your people?
Answer. Yes, sir.
Question. That is a radical county?
Answer. Yes, sir.
Question. Were all of the officers, marshal, &c., elected by your party?
Answer. Yes, sir.
Question. Is the jailer also of your party?
Answer. Yes, sir.
Question. You guarded that jail on Thursday night?
Answer. Yes, sir.
Question. When did you disband your guard?
Answer. We guarded it on Friday night, but we did not have enough to keep the men back.
Question. How many had you there at the jail?
Answer. We were not exactly at the jail; we had only ten men.
Question. Where were you?
Answer. Out on the roads. I told the boys that there were enough of us to keep the men from killing this man.
Question. How did you know the men were coming?
Answer. I heard some white men say that that man never would come out of that jail alive; I was passing along the street, and I heard them talking about it.
Question. You were not at the jail that night?
Answer. No, sir.
Question. How far off were you with those ten men?
Answer. I was out on the road toward my house.
Question. How far from the jail?
Answer. Near three quarters of a mile.
Question. Did your ten men stay there all night, or did they disband?
Answer. We disbanded.
Question. Where did you go?
Answer. I went walking about; I staid in the woods.
Question. Did you go within less than three-quarters of a mile from the jail?
Answer. No, sir.
Question. Did you yourself stay out all night?
Answer. Yes, sir.
Question. Were you in town?
Answer. I was about in town.
Question. About what time of night did this band of men come into town?

Answer. Just about 12 o'clock.
Question. Was it a dark night?
Answer. Yes, sir.
Question. From what direction did they come in?
Answer. From toward my house.
Question. Did you see them come in?
Answer. Yes, sir.
Question. Did you count them?
Answer. No, sir; it was a dark night.
Question. How far were you from them?
Answer. I was standing by Mr. Johnson's lot, and they were in the cotton-field; I was about three hundred yards from them.
Question. That was the nearest you were to the band, and it was a dark night?
Answer. Yes, sir.
Question. You were not at the jail that night?
Answer. No, sir.
Question. You did not see what occurred there?
Answer. No, sir.
Question. You only know what others state; you do not yourself know what went on in the jail?
Answer. I was close enough to hear when they shot him, and I heard him holler.
Question. How far off were you then?
Answer. I was not out of town then.
Question. You were in town?
Answer. Yes, sir.
Question. Did you go back to the town?
Answer. I had to be out; I was afraid to go home.
Question. You did not go home that night?
Answer. No, sir.
Question. You heard the report of fire-arms, and heard that man cry out?
Answer. Yes, sir.
Question. You did not see anything that went on there, for it was a dark night?
Answer. No, sir; it was a dark night.
Question. At what time in the evening had you gone out of town with those ten men?
Answer. Just about dark.
Question. And you staid out with them?
Answer. Yes, sir.
Question. You were not in the streets during the evening?
Answer. No, sir.
Question. How do you know about the Masonic Hall?
Answer. That was on Friday night that I staid out. I did not see anybody in those lodges, or in those other places, only that night that they killed him. These men have a brass band, and they are always up there in the lodge.
Question. Are they Masons?
Answer. They say they are Odd Fellows.
Question. They were holding a meeting in their room?
Answer. Yes, sir.
Question. When was that?
Answer. That was on Monday night, the night they killed him. On Friday night they were not in the lodge; they came in twice.
Question. When did they kill him?
Answer. On Monday night.
Question. Where were you then?
Answer. In town.
Question. How far were you from the jail when they reached the jail?
Answer. I was close about; I could not tell exactly how far.
Question. Did you see those men go to the jail?
Answer. I saw them when they went into town.
Question. You did not see them go to the jail?
Answer. No, sir.
Question. You have said that the Odd Fellows were there that night in large numbers; do you mean by that to connect them with this offense?
Answer. No, sir. I saw these men come up from the east.
Question. How far is the Masonic Hall from the jail?
Answer. It is about one square—I do not know how far; it is in sight of the jail, but I cannot tell you how far.
Question. Have you a Union League in that town?
Answer. Yes, sir; I belong to it.
Question. Are you one of the officers of it?
Answer. Yes, sir.

Question. What is your office?
Answer. I belong to the sick committee. We have a committee to see to the sick.
Question. How many are there in that county?
Answer. It has not been very long since we got it up. They broke it up once and we have got together again. We have about forty, I reckon, and maybe more.
Question. Is that in the town?
Answer. Yes, sir.
Question. How many are there in the county?
Answer. They all live about in the county, and come into the town.
Question. Are they all colored men?
Answer. Yes, sir.
Question. All bound together by oath?
Answer. Yes, sir.
Question. To sustain each other and to sustain the Union League?
Answer. Yes, sir.
Question. Were those the men you summoned as a guard?
Answer. Some of them were.
Question. Who were the others?
Answer. Some of them did not belong to it.
Question. How far does Senator Hill live from the jail?
Answer. About a quarter of a mile.

By the CHAIRMAN:

Question. You say they put Charles Clarke back into the jail on Thursday?
Answer. Yes, sir.
Question. And the crowd came into the town first on Friday?
Answer. Yes, sir.
Question. Did they do any mischief that night?
Answer. They hit one black man with a gun that they arrested. They arrested two black men and some colored women.
Question. What did they do with them?
Answer. They kept them with them until they were ready to go out. They carried them on out a piece and turned them loose.
Question. You say this lawyer, Reese, applied for another hearing against Clarke?
Answer. Yes, sir.
Question. And the judge granted it, and sent Clarke back to jail?
Answer. Yes, sir.
Question. Did they ever have that other hearing?
Answer. No, sir; they killed him before that. He was to stay in jail until the general court comes on next month, I believe.
Question. And on Monday night they came in there and killed him?
Answer. Yes, sir.

By Mr. BAYARD:

Question. Is Mr. Hume a gentleman of position and character in that county?
Answer. Yes, sir; he is a Methodist preacher.
Question. You say he declined to allow his daughter to appear in court in such a case?
Answer. Yes, sir.

By the CHAIRMAN:

Question. You have been asked about the politics of various people. What is the politics of Lawyer Reese?
Answer. He is a democrat.
Question. What is the politics of Lawyer Foster?
Answer. He is a democrat.
Question. What is Doctor Anderson?
Answer. A democrat.
Question. What is Weldon Price?
Answer. A democrat.
Question. What is the politics of G. F. Ponder?
Answer. He is a democrat.
Question. And G. N. Dexter?
Answer. A democrat.
Question. What is Elijah Store?
Answer. A democrat.
Question. What are Henry Hogue and John Hill?
Answer. Democrats.
Question. How do your people regard Senator Hill, as a democrat or a radical?
Answer. The colored people there call him a conservative.

Question. All these names I have mentioned to you are democrats?
Answer. Yes, sir.

By Mr. BAYARD:

Question. What have all these names that you have had read to you, and whose politics you have described, to do with this case?

By the CHAIRMAN:

Question. I have not got through yet. Do you know anybody that was concerned in any way in putting that man Clarke to death who was a radical?
Answer. I could not identify any man by name.
Question. Was there any disposition on the part of the colored people, or of the radical white people there, to prevent Clarke having a full and fair trial, and, if he was shown to be guilty, to have him punished?
Answer. Well, sir, the colored people, and some of the whites, wanted him to have a fair trial. I never heard any of the whites say much about it, more than some that came in from the country said, as they were standing off a piece, that he never would get out of that jail alive.
Question. The question I asked you was this: Did you hear anybody of any color or politics say that he wanted to screen Clarke, shield him, or protect him if he was guilty?
Answer. The colored people did not want him to get away if he was guilty of that thing; they wanted him fairly tried by law and punished.
Question. And if he was not guilty they did not want him punished; in other words, they wanted justice done in his case?
Answer. Yes, sir.
Question. Did he make any attempt to run away?
Answer. No, sir, he never tried to go away; he had all the chances in the world.
Question. And this uncle that they whipped so made no attempt to hide him, and get him out of the way?
Answer. No, sir; he took him and carried him into town himself.
Question. You say you staid how long after they killed him before you left?
Answer. I staid about in town all night; I was afraid to go home.
Question. And you came away next morning?
Answer. Yes, sir.
Question. And have not been back there since?
Answer. No, sir.

By Mr. BAYARD:

Question. A number of names of gentlemen have been read over to you whose politics you have stated. Have you any knowledge that any one of the gentlemen whose names the chairman has repeated to you, and whose politics he has inquired about, had anything to do with this fuss?
Answer. I do not.
Question. I understood you to say that Charles did not sleep in town?
Answer. He staid in town every night.
Question. Where did he work?
Answer. On Dr. Jones's plantation.
Question. Did he keep on working there after this charge of ravishing this young girl?
Answer. Yes, sir; he staid right there till they came after him.
Question. Who came after him?
Answer. The Ku-Klux came to his house after him.
Question. Came where?
Answer. To old man Albert's house, in sight of Mr. Hume's house.
Question. How far out was that?
Answer. About three miles; he and Mr. Hume live in sight of one another.
Question. They hunted for him at his uncle's?
Answer. Yes, sir.
Question. And he was arrested in town?
Answer. Yes, sir.
Question. When?
Answer. The next morning.
Question. He was arrested before the mayor's office?
Answer. Yes, sir.
Question. And was arrested on a warrant?
Answer. Yes, sir.
Question. On what night was the uncle whipped?
Answer. The night that they killed Charles.

By the CHAIRMAN:

Question. And Ku-Klux had been at his uncle's to get Charles before he was arrested?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 27, 1871.

JOHN JOHNSON (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am about twenty-five or twenty-six years old; I was born in Newton County, in this State; and I now live in Madison, Morgan County.

Question. When did you leave Madison?

Answer. This coming Wednesday, at 2 o'clock, will be five weeks.

Question. Why did you leave?

Answer. They threatened to kill me there.

Question. Who threatened to kill you?

Answer. Mr. John ——— told another young man who was with me that they were going to kill me and Hamp Thompson and George Flemister; that they were going to kill us three out, and beat the rest out.

Question. What were they going to kill you for?

Answer. Charles Clarke was accused of ravishing a white girl, and they had him up in court and cleared him; it was so said through town. But they put him back in jail, and it was understood that they were going to kill him. Mr. Hume's son said he was going to kill him. On Friday night a party came from that way with a wagon and ropes, and they took a long puncheon and tried to break the jail-house door down. They could not do it, and they left that night. On Monday night, about half after 1 o'clock perhaps, they came again, and he was killed then, shot down right in the jail. I and Tom Jackson counted them; there were thirty-six of them. They came down out of the large room of Mr. Rollin Thomason, the mayor, and looked around, and then they went up street. I got scared and moved from there. I saw them when they came down again; when they came down from the other place they came down toward the jail. In a little while I heard three guns fired in the jail. I went up home and told all the people up there that I believed they had done killed that man. I went to meet the 2 o'clock train at the depot, and a man there said that Charley Clarke was killed, and that he had been down there to see him killed.

Question. What had you done to cause them to want to molest you?

Answer. Because a party of us said we wanted to see him safe, not killed in that way; that we did not want to have him killed that way, like a snake or a dog. I was helping to guard him. We said, "If Governor Grant says, 'Kill him,' or 'Burn him,' it is right to do it; but let it be done by law." Then from that work they said they were going to kill us three.

Question. Did you know any of the people who were along in the crowd that came in the town?

Answer. I was not down in town on Friday. I understood on Saturday that they came in on Friday. I did not know until Saturday that they were working for such an act as that, to Ku-Klux him. I heard of people that they beat and knocked about. Then a company of us was made up to stand guard on him. On Monday night I saw some of the fellows, and I know that the mayor of the town knows every one who was in there in his office, and I say that was the crowd that did it. They were in the crowd, at any rate, because I watched that crowd when they came down out of the office.

Question. Did you know any of the men?

Answer. I saw Mr. Albert Foster there, and I know Dr. Bell. I came along up after they killed him, and I said, "Mr. Bell, what did these men mean by going and killing a poor man in that way?" He said, "John, don't you pester about the Ku-Klux, or they will kill you." I know him for certain.

Question. Did you see Lawyer Reese there that night?

Answer. No, sir; I did not see him.

Question. Did you see Lawyer Foster there?

Answer. No, sir. I then lay out one or two nights in the woods, and then I had to jump off up here.

Question. Where have you been since?

Answer. I have been here; I have been sick since I have been here.

Question. Had you ever seen the Ku-Klux before that time?

Answer. No, sir.

Question. Did your hear of them around the country?

Answer. Yes, sir; they were full of them a little piece from the town, and they killed people just like snakes. I have looked for a crowd of men that they beat when they killed Charley Clarke. I thought they would have been here last night, but they did not come. They said they would kill us when they came back there.

By Mr. BAYARD:

Question. How many of your men did you have in your guard about the jail?

Answer. I do not know; some ten or fifteen.

Question. On the first night?

Answer. That was on Saturday night.
Question. How many did you have there the first time?
Answer. That is the time I am talking about.
Question. How many of you colored men organized to guard the jail?
Answer. I do not think there were more than fifteen.
Question. Was that all?
Answer. Yes, sir.
Question. Were you all armed?
Answer. No, sir; we were not all armed.
Question. What did you have?
Answer. Just pistols.
Question. Each one of you had a pistol?
Answer. One had a gun.
Question. You had fire-arms?
Answer. Yes, sir; but they were not loaded, all of them.
Question. You say that Mr. Hume said this man should be killed?
Answer. It was said so; I did not hear it.
Question. Was he a brother of the girl who was ravished?
Answer. Yes, sir.
Question. How old was he?
Answer. About eighteen, nineteen, or twenty.
Question. He was a young man?
Answer. Yes, sir.
Question. It was reported over town that he said this man should be killed?
Answer. Yes, sir; and it was said that some more of them said he was going to be killed; I disremember the names now.
Question. You said you and Tom Jackson saw thirty-six of them the night they went to the jail and killed the man?
Answer. Yes, sir.
Question. How far were you from the jail when you counted them?
Answer. They were not at the jail; they came down the steps of the mayor's office.
Question. When was that?
Answer. Between 9 and 10 o'clock.
Question. Where were you at the time that Charles Clarke was killed?
Answer. Right up there; leaning up against Joe Bason's store.
Question. When was that?
Answer. Half past 1 o'clock, perhaps. Tom Jackson got scared, and said that he would go off with the rest of the boys again. I said, "Well, Tom, I want to see the end of it. If I can't do anything more, I will stand here until I can hear a gun fired. I never saw a Ku-Klux before, and I will try and see one to-night if I can."
Question. You say that was about 1 o'clock?
Answer. Yes, sir; about 1 o'clock.
Question. Was it a dark night?
Answer. No, sir; the moon was shining just as bright as now.
Question. You saw thirty-six of them?
Answer. Yes, sir; and Tom Jackson counted every one.
Question. Were they disguised?
Answer. They were not disguised. Four or five of them had guns. When I came to meet them, I talked with Mr. Beard's son.
Question. They had nothing over their faces?
Answer. They had something long and black hanging down over their guns.
Question. They had nothing over their faces?
Answer. No, sir;
Question. How far were you from those men?
Answer. They passed right by me; they could have killed me as soon as you could kill a rabbit at that fire-place.
Question. Did they see you?
Answer. They looked at me, and I turned away.
Question. Did you say that Dr. Bell was one of the men?
Answer. He came right out in the crowd. He said, "They are Ku-Klux; don't you fool with them, or they will kill you."
Question. That was after Clarke was killed?
Answer. Yes, sir; I was opposite Bason's corner; I was afeard to go home, and staid out there.
Question. This gentleman came along, and said to you that those were Ku-Klux, and they would kill you?
Answer. Yes; he said, "Don't you pester those folks, or they will kill you."
Question. Was he disguised at all?
Answer. No, sir; he had his shawl around him as he was walking along.
Question. Was it a shawl he usually wore?

Answer. Yes, sir; he always wore it.
Question. He was dressed as he usually was, and came along and you spoke to him?
Answer. Yes, sir.
Question. He knew you, and you knew him?
Answer. Yes, sir.
Question. You have been asked about Lawyer Reese; was he the lawyer that prosecuted Charles Clarke?
Answer. I do not know.
Question. Who defended Charles Clarke?
Answer. Mr. Brobster.
Question. Were you at the hearing?
Answer. No, sir.
Question. Is Mr. Brobster a good lawyer?
Answer. Yes, sir; a number one lawyer.
Question. Were you an intimate friend of Charles Clarke?
Answer. I had just got acquainted with him.
Question. How long had he been there?
Answer. I do not know.
Question. Had he just come there, or was he well known there?
Answer. Some of them knew him right well. I had just got acquainted with him.
Question. How long had you lived there?
Answer. Five years.
Question. How long had he been there?
Answer. I do not know how long. I had just got acquainted with him about two or three months before he was killed. I thought he was a mighty fine man.
Question. There was no injury done to you?
Answer. No, sir.
Question. You were frightened?
Answer. Yes, sir.
Question. And you left because you were frightened?
Answer. Yes, sir; I left on account of that. I know I would have got killed if I had staid there. I had to lie out two or three nights.

ATLANTA, GEORGIA, *October* 27, 1871.

LEANNA GARRISON (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I am fifty some odd years old; I was born in South Carolina, but I was raised in Georgia, in Hall County; and I now live in Atlanta.
Question. How long have you been in Atlanta?
Answer. Going on two years.
Question. What made you come to Atlanta?
Answer. My husband was killed in Cherokee County.
Question. How long ago?
Answer. Three years the last day of this month.
Question. Who killed him?
Answer. I came here because I was afraid to stay there.
Question. Tell us all about the killing of your husband,
Answer. It was William Cloud, James Cloud, and Lafayette McGraw who killed him, on Saturday night, between 7 and 8 o'clock. He had just done eating his supper, and was sitting by the fire talking with his sons. We did not know they were there until they came and shot in through the door. They shot my son through the shoulder. My husband went to the door, and said, "Come, boys, quit shooting; who are you?" They never spoke, but when he stepped out of the door, one stepped between him and the door, and followed him to the edge of the yard, and shot him down at the edge of the yard. That was Saturday night. We staid there about three weeks. There were two of my sons shot there; one through the shoulder and the other through the hip. The one shot in the shoulder is here now. I have brought my husband's coat that he had on, to show that he was willfully murdered.
Question. Were those men people who lived in the neighborhood?
Answer. Yes, sir; they were men who lived within a quarter of a mile of us, some of them.
Question. Had they had any difficulty with your folks?
Answer. None that I know of. The boys had a little difficulty some years ago when they were small boys; but we did not know that we had an enemy in the world. We were living on Mr. Thomas Dickerson's place.

Question. Have those men ever been arrested and punished in any way?

Answer. That was done Saturday night. They held the inquest over my husband Sunday; and he was buried Monday. On Tuesday they arrested those men, and they had a little trial, but they outswore us. They swore they were at a party at such a place at such a time. We let them alone until the March court, and then they found a true bill against them and they ran away. The governor put out a reward for them of $6,000, and Judge Morse brought them back and put them in jail. They broke jail and went away again. When they broke jail, the governor put out a reward for six thousand more dollars. They have caught two of them, but the last I heard, they had not got the other. I had to pay all the cost when my husband was killed.

Question. Where are the men now?

Answer. They turned them out on a bond of $1,500 apiece, the two they had caught. They were there in the settlement the last I heard of them.

Question. They never have been tried?

Answer. No, sir.

Question. You have been living here in this town ever since?

Answer. Yes, sir.

Question. Where are your two sons?

Answer. One of them is living in this place, and the other is in Mississippi—the other one that was wounded.

By Mr. BAYARD:

Question. You say this thing occurred three years ago?

Answer. Yes, sir; the last day of October.

Question. Those people were arrested and ran away?

Answer. Yes, sir.

Question. Who got the reward?

Answer. Judge Morse went after them; I do not know who got the reward.

Question. In what county were they imprisoned?

Answer. In Cherokee County.

Question. They broke jail and got away?

Answer. Yes, sir.

Question. And there was another reward of $6,000 offered?

Answer. Yes, sir.

Question. Who caught them the last time?

Answer. A man by the name of Glenn, I think.

Question. They were indicted by the grand jury, and discharged on bail of $1,500 each?

Answer. Yes, sir. They caught them in Pickens County, I think.

Question. Who is the judge of the court to try them?

Answer. I really do not know.

Question. When are they to be tried?

Answer. In March.

Question. Do you expect to go up there and be a witness against them?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What was your husband's name?

Answer. Jerry Garrison.

By Mr. BAYARD:

Question. Did Jerry have any trouble with these men?

Answer. No, sir, not at all. We had very nice neighbors there. Governor Brown, that used to be our governor, he can tell you all about my family.

Question. Governor Joe Brown?

Answer. Yes, sir; we lived within a quarter of a mile of Governor Joe Brown's father when this happened.

Question. These two rewards of $6,000 each were offered by Governor Bullock?

Answer. Yes, sir.

Question. You do not know who got them?

Answer. No, sir.

Question. Do you know who was the solicitor in that county?

Answer. Johnson was the solicitor then; but he is dead, and there is a new one now. When my young master sent for me, when they got them the last time, he sent for the solicitor; but he never got there until they were bailed out.

Question. Had those men anything on to conceal them?

Answer. Two of them had hats on, and the other had on one of these things—some call them comforts—on his head.

Question. They had nothing on their faces?

Answer. No, sir.

Question. You knew who they were?
Answer. Yes, sir: it was most the beautifullest moon-shiny night I ever saw.

By the CHAIRMAN:

Question. Were your sons old enough to go to the election?
Answer. Yes, sir.
Question. Had they and your husband voted?
Answer. Yes, sir.
Question. Which ticket did they vote?
Answer. I do not know; one of my sons is here, and he can answer for himself.

ATLANTA, GEORGIA, *October* 27, 1871.

SCIPIO EAGER (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am about twenty-four or twenty-five years old, as nigh as I can get at it; I do not know my age exactly. I was born in Hancock County, and I live in Washington County when I am at home.
Question. When did you leave Washington County?
Answer. Some time in July; about the last of July, as near as I can get at it.
Question. Why did you leave?
Answer. Because the Ku-Klux were after me.
Question. Are the Ku-Klux in Washington County?
Answer. Yes, sir; there is where my brother got killed.
Question. Did they do anything to you?
Answer. Yes, sir; they whipped me so bad that I never laid down and rested for three weeks after they got through with me.
Question. When was that?
Answer. The third Saturday in April.
Question. Where was it done?
Answer. In Washington County, at my own house. They came and took me and my brother out, and tied my hands behind me. There were three brothers of us; the other brother was in the house. They went up to take him, and he came out through the floor and tried to get away, and they shot him down.
Question. Was he older or younger than you?
Answer. He was older.
Question. At what time did they go to your house; in the day-time or night-time?
Answer. It was in the night.
Question. How many of them were there?
Answer. About a hundred, as near as I can get at it. I heard some say who counted them that there were a hundred of them.
Question. How were they fixed up?
Answer. They had uniforms on.
Question. Describe the uniform as well as you can.
Answer. Some of them had white and some had black; they had all sorts of colors.
Question. Did you know any of them?
Answer. Yes, sir; I know some of them.
Question. How many?
Answer. Three or four.
Question. Give their names.
Answer. Mr. Alfred Harrison was the captain, Mr. Dudley was one of their lieutenants, and then I knew Billy Emerson, John Morrison, and Jeff Worthy, who stays at Mr. Dixon's.
Question. What do those men do? What is their business?
Answer. They are good farmers, some of them. Mr. Dixon is a big man, and some of them stay there on his plantation.
Question. What do you mean by Mr. Dixon being a big man?
Answer. I reckon he runs some four or five hundred plow-hands, mighty nigh; that is what I call a big man. His name is David Dixon, of Hancock County. We call him Hancock Davy.
Question. Tell us what they did when they came to your house; give us a history of the transaction.
Answer. They came there and got me first, and tied my hands behind me, and asked where was my other brother.
Question. They caught you in the house?

Answer. They caught me out of the house. I told them I reckon he was up to the house. One of them said, "We have come for him to-night." I said, "Gentlemen, what are you going to do with me?" He said, "Never mind, I will tell you what when I am through with you." They said that we never voted right. Mr. Alfred Harrison tried his best to get us not to go to the election, but we would go to the election, and we voted. He said that we never voted for his interest, and he said that every man in that county that did not vote for their interest, they were determined to kill him. They said, "Washington Eager is too big a man anyhow; he can write and read and put it down himself." I knew he could do it. Then they told me of that; but they had done got me, and had my hands tied behind me. They carried me off into the woods, about a mile from the house, while they killed my brother. I kept questioning them, "What are you going to do with me? I have not done anything at all." They said, "Never mind, we will tell you what we will do after we carry you off." They had killed a man last year over there. They carried me right through to his grave, and told me they were going to kill me.

Question. What was his name?

Answer. Robinson. I kept begging them, and when they got there they told me to halt, and I stopped. They talked to one another, but I could not understand what they said. Mr. Alfred Harrison and Mr. Dudley came to me and pulled off their uniforms, and asked me if I knew them. I said I did not. They said I was a damned liar; that I did know them. I did know them, but I was afraid to own it. They said, "If you tell us that you do not know us again, I will kill you." They had their pistols at my face on both sides; they were all around me. I stopped talking, and would not say anything. They all got into a huddle, just like a swarm of bees, and then I heard one of them say, "I do not believe he does know me." They decided to whip me and my brother over there. That was after they pulled the disguises off their faces. They came there and told me that I was to be whipped. I thought it was all right, and that it would be better to be whipped than to be killed like my brother. In my brother's back I counted some hundred and odd shots, bullets and buckshot holes. He was shot clean through, and he breathed out of the bullet-holes that were through him. He lived from Saturday night clean to Sunday about dinner-time. They took me down, and I do not know how much they did give me. But I did not do any work in three weeks afterward.

Question. Did they whip you over your clothes?

Answer. No, sir. I say, whip you over your clothes! They took off every rag of clothes I had, and laid me down on the ground, and some stood on my head and some on my feet. I can't tell how many men whipped me at once. They went out and got great big long brushes, as big as these chair-posts, and they whipped them all into frassels. There are welts on me now. After they quit whipping me, they told me to go home and tell that God-damned rascal that, if he was not prepared to die, he had better be prepared to die. They told me to put out. I tried to run, and some threw rocks at me, and some said, "Shoot him;" but they did not.

Question. Did they get after you again?

Answer. Yes, sir; in July.

Question. Who were they?

Answer. The same crowd.

Question. How many?

Answer. There were but five of them.

Question. Who were they?

Answer. Mr. Dudley and Alfred Harrison were in the crowd. I followed them to their houses and saw them undress themselves.

Question. What did they do?

Answer. They didn't catch me then. They came and searched my house. They had dogs to search around, but they did not catch me.

Question. What kind of dogs?

Answer. What they call "nigger-hounds;" such as they had in old slavery times; Dudley had the dogs.

Question. Do they keep such dogs in your country now?

Answer. Yes, sir; just on purpose for that business.

Question. How many keep such dogs?

Answer. Mr. Dudley is the principal one. There are more that have them, but I do not know whether they run much; but they are all in colleague with another.

Question. How many of that kind of dogs are there in that country?

Answer. Mr. Harrison has some five or six, and his brother has some.

Question. They had the dogs after you that night?

Answer. Yes, sir.

Question. How did it happen that they did not catch you?

Answer. We had some hogs there and they rallied among the hogs and caught one of them. That is the way I got away after the dogs were right on my track. I have not slept in my house a night since April till now. They came around and were aiming to

kill me. My father is blind, and my brother is dead; he and I were their dependence. My mother is not able to do anything, and I left the house full of children.

Question. Your children?

Answer. Mine and my brother's.

Question. Where are they?

Answer. In Washington County. I have heard from them since, and they say they are suffering mightily.

Question. Who have they to look after them?

Answer. There is nobody they have to look after them but me, for my brother is dead, and I had to go away to save my life.

Question. What reason did these men give for treating you this way?

Answer. Nothing at all but what they said to me, that we did not vote for their interest, and that my brother was getting to be too smart; that he could read and write, and that no man should keep a school there. Mr. Dixon came to my house. We made fifty bales of cotton last year.

Question. You and your brother?

Answer. Yes, sir; and our little family. Mr. Dixon came there on Thursday and told us that we must go up and have a settlement on Monday. On Saturday night they came in and killed my brother.

Question. What was there between you and Mr. Dixon to settle about?

Answer. I do not know how much; there was a good deal between us, for we did not get much provision from him.

Question. You had been working on his land?

Answer. Yes, sir. We found our own stock, and the mules belonged to us. We gave him every third bag of cotton and every third bushel of corn; beside all that, all the balance belonged to us. After they killed my brother, (he was the one that made the contract last year; we had none this year,) we could not have any settlement. But still he forced it on us to come and have a settlement, and when we went and had a settlement we did not get anything.

Question. Were there any schools for colored people in that county?

Answer. No, sir; there is no school down there.

Question. Have you tried to have any?

Answer. Yes, sir. My brother had a pretty good education and was talking about having a school there, and they said he should not have it and no other man should have it, and if he did they would kill him. I heard them say that myself. I am talking about only what I heard them say.

Question. Are there any radical white people there?

Answer. I cannot tell about radical white people. But it is hard to tell; if there is, he dare not own his name.

Question. Are there many Ku-Klux up there?

Answer. O, yes, sir; you could see a hundred and fifty any time before I came away from there; I do not know what is there now; I have been away so long. I cannot get any word from down there, only that a gentleman came from there and said how my folks were getting on. There is no use talking about Ku-Klux; you could see a hundred and fifty most any time before I came away from there.

Question. Have any other colored people been run off from there?

Answer. Yes, sir.

Question. Have any of those people been arrested or punished for killing your brother or whipping you?

Answer. No, sir. I have been here ever since July, and I have been around mighty near to every one of these offices, and I could not do anything. I knew I could do nothing down there if I tried. The man I went to told me it was no use to undertake it.

Question. Who was that man?

Answer. Mr. Harrison, the man who killed my brother. He said it was no use to have anything done but to have him buried.

Question. What did you go to him for?

Answer. I did not know what to do. I was just like a rabbit when the dogs are after him; I had to do anything that I could to try and save my life.

By Mr. BAYARD:

Question. How did you come before this committee; who summoned you to come here?

Answer. Nobody; more than I just run away, and got away from them.

Question. How long have you been in Atlanta?

Answer. I have been here backwards and forwards ever since July. I have been down sick since I have been here.

Question. When was this injury done to you; when did they whip you?

Answer. That was the second or third Saturday night in April.

Question. Who have you seen in Atlanta who told you to come to the committee-room?

Answer. I heard it told around that here was the place that I could get my rights.
Question. Who told you that?
Answer. A black man told me that he heard it given out; and there was a little gentleman who stays down there, and I came to him. He can tell you all about my being to him. He superintends here.
Question. Is he a colored man or a white man?
Answer. He is a white man, and stays here?
Question. This is the first time you have ever made a statement of your story?
Answer. Yes, sir.
Question. You mentioned the name of a man there who had a very large plantation—a Mr. Dixon. Did you say that Mr. Dixon was in the crowd?
Answer. No, sir.
Question. You said you recognized some one who asked you whether you knew them or not?
Answer. That was Mr. Harrison.
Question. Did you know any others?
Answer. Yes, sir.
Question. How many?
Answer. I knew Mr. Dudley.
Question. Where do those people live?
Answer. In Washington County.
Question. What do they do for a living?
Answer. Farming.
Question. Have they farms of their own?
Answer. Yes, sir.
Question. And out of that number you recognized those two?
Answer. Yes, sir; the man took his mask off.
Question. So that his face was so bare as mine is now?
Answer. Yes, sir.
Question. Did he not know that you were acquainted with him?
Answer. Yes, sir; he knew that.
Question. You heard some say that they did not think you knew him?
Answer. Yes, sir.
Question. He knew you and you knew him?
Answer. Yes, sir; but I told him I did not know him, just to save my life.

By the CHAIRMAN:

Question. You say the marks of the whipping are still upon you?
Answer. Yes, sir.
Question. Have you any objection to let us see some of those marks?
Answer. Here is a scar right on my forehead to prove for itself.
Question. Are the marks still on your back where they whipped you?
Answer. Yes, sir.
Question. Will you let us see the marks?
Answer. I will do so. [The witness showed his body, on which were some marks.]
Question. Those were all made by that whipping?
Answer. I do not say that all were made by that whipping, but some of them were.

ATLANTA, GEORGIA, *October* 27, 1871.

WILLIAM G. FOSTER sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now reside, what is your present occupation, and what office do you now hold, if any?
Answer. I am nearly forty years of age; I was born in Gwinnett County; and now reside in Floyd County, Georgia. I am a farmer by occupation; and at this time I hold the office of deputy sheriff of Floyd County.
Question. How long have you been deputy sheriff?
Answer. I believe I was commissioned in February; I will not be certain about the date.
Question. Have there been any complaints in your county of the class of people called Ku-Klux?
Answer. Yes, sir.
Question. Have you had any process for arresting any of them?
Answer. I have.
Question. How many have you arrested?

Answer. One.
Question. Who was he?
Answer. James Penny.
Question. Where did he live?
Answer. In Floyd County, thirteen miles from Rome, on the south side of Coosa River.
Question. Did he tell you whether he had been out with the Ku-Klux or not?
Answer. He did tell me he had been out in company with eleven others.
Question. Did he say whether they were disguised or not?
Answer. Yes, sir; he said they were disguised.
Question. What did he say they had done?
Answer. He said they had taken some guns from some negroes; and I believe he said that the party had whipped one or two; but he said he did not strike a lick. I believe he said they took a little tobacco from them.
Question. Did you understand from other sources that those parties had been whipped, and that their guns had been taken away from them?
Answer. Yes, sir; I have been told so by the parties.
Question. Were those the same men that there were bills against before the grand jury?
Answer. Yes, sir.
Question. Were you before the grand jury as a witness?
Answer. Yes, sir.
Question. And you made this statement there?
Answer. Yes, sir.
Question. Was Mr. Shropshire foreman of that grand jury?
Answer. Mr. Monroe Shropshire was.
Question. Did you talk with him about the evidence before the grand jury?
Answer. I do not think I have.
Question. You have not heard him say anything about it?
Answer. I do not recollect whether I have heard him say anything about the evidence or not.
Question. Have you a brother living in Chattooga County?
Answer. I have two brothers and a father living there.
Question. That is north of Floyd County?
Answer. Yes, sir.
Question. Have they, or either of them, been molested by the Ku-Klux?
Answer. They told me that they had been threatened.
Question. How long ago?
Answer. Well, sir, they have told me that for several months, and as late as yesterday morning.
Question. Did they tell you what reason the Ku-Klux assigned for molesting them?
Answer. Yes, sir; for endeavoring to prosecute a party for killing a negro on my father's place; he was the body-servant of my grandfather.
Question. They killed him?
Answer. Yes, sir; it is said they killed him; and father has endeavored to get a bill against them. At the last term of the court he succeeded in getting a bill against a party.
Question. Did he try more than once before he succeeded in getting a bill?
Answer. No, sir. He was called to Macon just before the first term of the court; and my brother made some effort to get a bill; but I think he was rather intimidated. That was my impression as I got it from him.
Question. How many persons came to your brother's place?
Answer. They have been there divers times, so he tells me, and on yesterday morning two persons attacked him.
Question. Were they disguised?
Answer. Not yesterday morning.
Question. Were they disguised heretofore?
Answer. Yes, sir.
Question. How many does he say have come there at any one time?
Answer. I do not recollect that I have heard him mention the number more than once. He said that three men came to him once and asked him if he did not want to join them. He told them he did not.
Question. What is your brother's name?
Answer. Kinchin R. Foster.
Question. Were there witnesses from your county in attendance before the Federal grand jury here last week?
Answer. Yes, sir.
Question. Are they still here?
Answer. They are not; none of those are here now; some of them are expecting that

they may be ordered back. I was here last week before the grand jury, but business compelled me to go home. I was subpœnaed back.

Question. Have you heard that any of the witnesses are afraid to go home?

Answer. I have not. They are afraid to come back here; they do not want to testify here; that is the way.

Question. Why?

Answer. There is a terror of those parties, and they are afraid of them.

Question. They dislike to testify against them?

Answer. They do not want to say anything about their doings.

Question. What is the tone of your newspapers there in respect to the Ku-Klux, and the efforts made to put them down and punish them?

Answer. Well, sir, I have a paper here in my pocket. I did not bring it for the purpose of exhibition, but as you have asked that question I would prefer that you would look at the article in it.

[The article is as follows: "We understand that the United States district court grand jury in Atlanta come within an ace of finding true bills against the members of our superior court grand juries for failing to indict the Livingston boys at the instance of Bullock's reward scenters. The man who is not willing to trust the integrity of a Floyd County grand jury ought not to hold office under it."]

Question. Who are the Livingston boys?

Answer. Penny and others.

Question. How old are they?

Answer. I think they are all over twenty-one years of age; there may be one or two under twenty-one.

Question. Are any over thirty?

Answer. I do not think so. Some of them I do not know.

Question. To whom is allusion made in the sentence "The man who is not willing to trust the integrity of a Floyd County grand jury ought not to hold office under it?"

Answer. I expect the reference is to me. I endeavored to get a bill before the Floyd grand jury, that is, I gave names to the foreman of the jury, and I think I am the man referred to in that article, though Mr. Dwinnell said that I am not.

Question. Were you satisfied that those parties were guilty?

Answer. Yes, sir. I had information that they were at a certain place about night, and went off in a certain direction. A man told me that he heard them coming, and stopped at the side of the road, and they stopped right by him, and he saw them put on their masks, and he knew four or five of them. He said that afterward he went on to the place where they had been stopping and there were none of them there. He returned home and directly they came to his house. I don't think they did any violence to him, perhaps they ate up a little sugar he had bought.

Question. Did they commit any depredation that same night?

Answer. Yes, sir; on the night of the 18th of February of this year.

Question. You had that evidence before the grand jury?

Answer. I endeavored to get it; I do not know what evidence was submitted to the grand jury, but my impression is that very little evidence was before them; my opinion is that the witnesses were afraid to testify to what they knew. I have learned through my family, since I was here last week, that some of the witnesses told them that at this court they were questioned much more closely, and had to tell things that they did not have to tell at the other court. My impression is that the witnesses, if the question is not directly asked them, would not state what they knew.

Question. Do you think the grand jury, or the district attorney there, were very anxious to bring out all the proof?

Answer. I think the district attorney was, and the most of the jury were. I think that if the testimony had warranted it, they would have found a bill against those parties, from the fact that they did find a bill against one. There is another paper in Rome, in which I have noticed some general remarks about the Ku-Klux; but I have not noticed anything particular right lately.

Question. Do you understand this article to have allusion to persons trying to bring men to punishment?

Answer. I understand that two men are referred to, myself and the solicitor general. There is an article from the Rome Courier of Friday morning, October 24.

[The article is as follows:

"THE KU-KLUX BEFORE THE UNITED STATES DISTRICT COURT.—We understood that the parties who were so indecently zealous before our last grand juries to get bills against the silly boys in Livingston district for their drunken frolic have at last succeeded in having the United States grand jury at Atlanta to find bills; and now the young men who so thoughtlessly engaged in that unfortunate frolic will have to be outcasts and fugitives in a strange land, or brave the horrors of a Northern prison."

"We do not know whether their persecutors were moved by a petty spirit of malice, or by cupidity; but, this we do know, that we had rather be with the victims an outcast and a fugitive from a tyrannical and an unjust law, than to have the silent finger

of public scorn pointed at us, as it is, and will ever be, pointed at these informers and their children.

"They are every one known, and the honest people of Floyd County will not soon forget them."]

This article is about as bad as anything I have seen in that paper. Right in the corner of the same paper, I believe, is another article, as follows:

"CONGRESSIONAL KU-KLUX COMMITTEE.—A sub-committee of this iniquitous body is now holding its sessions in Atlanta. Several witnesses have been summoned from this county, and we may look out for rich developments. The Spanish inquisition was not more disgraceful and dangerous than is this rotten concern. Colonel Sawyer has been summoned to appear before the committee, and will leave for Atlanta to-day. They will be very apt to worm all the secrets of the order out of him. 'You bet.'"

Mr. Dwinnell said that he thought I was not referred to in one of these articles. I have not seen Mr. Sawyer yet; I expected to see him this morning.

Question. Is the Sawyer referred to in this last article you read the editor of this paper?

Answer. Yes, sir; the associate editor. I have not seen him since this paper was issued. He will probably explain the matter.

Question. You thought it was your duty as a good citizen and an officer of justice in that county to try and have these people punished and the law maintained?

Answer. I did. I had heard of a raid committed right across the river from me in an adjacent county. They never came into my settlement until the 18th of February. I heard of it on Sunday the 19th, and on Monday morning my hands came up and said that they preferred to leave the farm, that they could not work all the day and stand guard all the night. Well, that pestered me, for it was too late for me to get other hands for my farm. After some deliberation, I told them that if they would bring me their guns I would take up the quarrel myself. They did so, and I stacked the guns in my house. I went out and saw some of my neighbors and told them that this thing must be stopped. I went to work to look up evidence and get up some indictment to get it before the jury when the court came on. I am satisfied that the witnesses did not testify to all that they had told me. I think it was a good jury.

Question. You think those witnesses were afraid?

Answer. I do; I am satisfied of it.

Question. Is it true, as this newspaper article says, that the scorn of the community has been directed to you for trying to punish these criminals?

Answer. I don't think so. The connections of those parties may scorn me, but I don't think the respectable portion of the people do. I think I have had the respectable and best men in the country to encourage me to put this thing down.

Question. Have they taken hold and helped you?

Answer. No, sir; they are afraid to do it.

Question. Still, in talking with you privately, they ask you to go on?

Answer. Yes, sir; but they think that if they did anything they would subject themselves to be burned out by this party.

Question. You have another paper at Rome, besides the one from which you have made these extracts?

Answer. Yes, sir.

Question. Does that take pretty much the same ground that this does?

Answer. Yes, sir; but there is nothing so harsh in it lately as in this paper.

Question. What has been the effect of this Ku-Klux organization upon the labor of your country?

Answer. Very bad, very demoralizing.

Question. So far as you can judge what do you think is the object of this organization?

Answer. I have thought a great deal about that. I believe I will have to answer your question under about four heads. When I first heard of it I thought the object was good, to suppress evils and such things as that. But I heard of them doing such things, in some instances, as to lead me to conclude that, in some respects, their object is political. In other cases I think their object is to intimidate; in other instances I think it is plunder. I could give you some reasons for my belief, and I would prefer to do so. In this case, near where I live, a young man told me that he had been asked to join it, and that they said to him, "We can beat $10 a month." The young man got paid $10 a month for his labor, and said he, "We can beat that." I do not think in that case there was any political object in view. But I have heard of things being done, I do not know that I could mention one just now, but in the multitude of things I have heard I have thought there were some that indicated that their object was political. I received a letter, signed "Ku-Klux," threatening me, and notifying me that I could not live in that country. That was intimidation.

Question. Have you that letter with you?

Answer. Yes, sir.

Question. Let us see it.

Answer. I think the object was to intimidate me, but I had no fears on the subject—or to say I had none, I did have some fears, still I had no idea of leaving, and did not intend to leave. This is the notice I referred to:

"NOTICE TO ALL MEN.

"We, as a party, agree to return all that has been taken, or pay for it, and that is all that we will do. Any man that has or can be bribed with money can't nor shan't live in this good country. I am in the majority.

"J. C. F. G., *Captain K. K. K.*

"W. G. F., look out! live long, die soon, we are after you."

Question. Have you any idea who sent this notice? Do you know whose initials are signed to it?

Answer. I thought I recognized it, and I went right upon the man.

Question. Who was the man?

Answer. Squire T. C. Hubbard; he has run away now and gone.

Question. Was he justice of the peace in the county?

Answer. Yes, sir.

Question. He wrote that, and sent it to you?

Answer. He dropped it close to a man who was coming to my house to get some wheat.

Question. What did he say to you?

Answer. When I went upon him he told me that he had heard these things said of me, and that he aimed to give me this letter to put me on my guard. When I first found this it was two days before I went upon the man. I was satisfied that he was the man, but I wanted proof, for I thought he would deny it. I got some facts, and, although between times he denied it totally, yet when I went upon him he just wilted and admitted that he wrote it. He said that he had heard these things about me, and it was to put me on my guard.

Question. He said he had heard threats made by others?

Answer. Yes, sir; and because of the good feeling he had for me he wrote this. But I am satisfied he was one of the organization.

Question. One of the gang?

Answer. Yes, sir; not one of the gang in the raid, but I understand he was a kind of protector of them.

Question. Did he tell you who he had heard making those threats?

Answer. No, sir.

Question. Did you ask him?

Answer. I do not know that I did, for I was satisfied he was speaking falsely. I heard afterwards who he said the parties were, or rather where it was done; but they were good men. Fathers of those young men abhor anything of that sort, for they think it has been injurious to their sons.

Question. Are those young men sons of good families?

Answer. They are not educated men; one or two of them were working-men; the others were rather of a loafering class of men, not good men.

Question. Did any of them belong to that class of people recognized in this country as gentlemen?

Answer. Some of them are honest working-people. Penny's father keeps a little grocery, and farms a little. They would not be called gentlemen in the strict sense of the term.

By Mr. LANSING:

Question. Is this Rome Courier a democratic paper?

Answer. Yes, sir; it is said to be. The editor was not originally a democrat, and I will not say he was a know-nothing; but he was an old-line whig.

Question. Is the other paper in the same place a democratic paper?

Answer. It is understood to be.

Question. You say that, in your judgment, the action of this Klan has been partly for political purposes and effect?

Answer. I have thought it was in some cases.

Question. Have you known any cases where they have troubled democrats?

Answer. I don't think there is a more democratic family in the State than my father and his family. We were democrats. My father was a Douglas man and I was a Breckinridge man.

Question. What have they done to your father and his family?

Answer. They have been intimidated. They have sent him word that there would be blood spilt yet about the matter.

Question. Because he was attempting to prosecute persons for killing that negro on his place?

Answer. That is all. They never pestered him until that.

Question. And for no other reason?

Answer. I think not.

Question. Have you known any other cases of their meddling with or perpetrating any outrage upon a democrat?

Answer. Well, Judge Thomas has represented the county several times; I do not know if he has not been in the Senate. They have not done anything particularly to him, but they have shot around his house a little a short time since.

Question. For the purpose of intimidating him?

Answer. That is what he thinks.

Question. What has he done that they dislike?

Answer. They accuse him of trying to deceive them. They tried to have this matter settled once, and the judge took some part in it.

Question. Was it because they thought he did not favor a settlement of it?

Answer. He did not; and he said to his negroes, "If they come to your houses, take your axes inside of your houses and meet them."

Question. They wished to intimidate him because he was in favor of protecting the negro?

Answer. I do not understand that it is anything else.

Question. What other democrats have they interfered with?

Answer. I do not think of any other case except where they have interfered with hands. Mr. Henry Dean is a good democrat, and they have interfered with his hands.

Question. How?

Answer. I do not know. He has talked with me about it, and has told me that they have given him a sight of trouble.

Question. Does it not appear to you that the object of this Ku-Klux organization is to drive out the colored people and keep down the Union sentiment?

Answer. Well, I will tell you what Mr. Hardy told me. His sons were in this case in Floyd County, where a bill was found. He said, "Don't you think my sons ought to have the preference in the land?" I said, "I do not. I think any man who will work my land best and cheapest is the best friend to me. Your sons don't pay my taxes." He said, "They helped to fight the battles." And I said, "They did, but that was for their independence; but the negro worked to make bread for us."

Question. Does it not appear to you that the object of this Ku-Klux Klan is to drive out the colored people and to intimidate those who interfere in their behalf?

Answer. I think that my first answer was correct. I divided it into about four heads, and I am not able for the life of me to decide.

Question. Do you not think that is one of their purposes?

Answer. I do.

Question. Do you not think that is their main purpose?

Answer. I have thought that their principal purpose was to get control of the land; that is the way they seemed to talk to me. I asked Penny how he regarded me, and he said, "I regard you as a democrat." It is true, they did nothing to my hands, but they came within a quarter of a mile of my place.

Question. Do I understand you that you were a democrat?

Answer. I never was any thing else, as I started to tell you awhile ago. I was a Breckinridge democrat before the war, and I went to the war, and fought during the war. I went out as a color-bearer, and when I surrendered at Greensborough, I was commanding Gist's brigade, from South Carolina. After the surrender I went home, and have never voted anything but a democratic ticket since. I am regarded as a democrat now.

Question. After the surrender, were you in favor of accepting the situation and abiding by the laws?

Answer. I understood, by my parole, which I gave, that I was to go to the county where I lived, there to abide unmolested as long as I obeyed the laws of the land.

Question. And you have done so?

Answer. I would change it if I could by voting, and put the control of affairs into the hands of other parties.

Question. That gentleman who spoke of his sons having fought for their independence, referred to their being in the confederate service?

Answer. Yes, sir; they were in the confederate service.

By Mr. BAYARD:

Question. I understand that you have kept honorably your parole, and have obeyed the laws where you reside?

Answer. Yes, sir.

Question. You have exercised your franchise, as a man, and voted as you thought best?

Answer. Yes, sir.

Question. As this matter of your personal politics has been discussed here, I will ask you whether you have not among your party friends, among the best and most sensible

men of your party, met with encouragement and approval of your efforts to put down these lawless acts?

Answer. I have.

Question. And you think that is the sentiment of your county among the most respectable portion of your people?

Answer. I do.

Question. As to the class of men who form these lawless bands, you say the young man who spoke to you on the subject said he could beat $10 a month?

Answer. He did not say that to me; a young man told me that one of them told him so.

Question. The object of that class, then, was to make money out of this thing by marauding?

Answer. I think their object was plunder; that is the way I understood it; that to plunder and to get possession of the land was their object.

Question. Were they mere laboring men, whose wages would be $10 a month if they did not plunder?

Answer. Yes, sir; I believe the fathers of two of the parties own a little land, but the balance are renters.

Question. They are small men?

Answer. Yes, sir, very small.

Question. Generally young men?

Answer. Yes, sir, from eighteen to twenty-five, I would say.

Question. You have spoken of a man by the name of Penny; was it Penny's evidence upon which the indictments were sent up?

Answer. It was.

Question. Was Penny before the grand jury at all?

Answer. No, sir.

Question. Then his evidence was not before them?

Answer. His affidavit was before them.

Question. Do you know the fact, of your own knowledge, that Penny was himself discredited? I mean that the credibility of his testimony was assailed.

Answer. I heard a rumor of that, from the fact that he ran away.

Question. Was he not a man of low character?

Answer. Yes, rather a low character.

Question. Of no standing in society?

Answer. That is the way he is regarded.

Question. You have been asked about an indictment that failed in Floyd County, and I understood you to say that the fault was with the witnesses; that the jury was disposed to act fairly enough if they had testimony before them?

Answer. That is my impression; I regard the jury as good men; but since I went back last week I have learned that Mr. Wilkinson, who is a good man, is a man who fears the Ku-Klux.

Question. Do they fear them because of the lawless character of the men who compose them?

Answer. That is it.

Question. Would those men who form these bands of marauders in your community assail the property of men and burn it down if they dislike them?

Answer. They have not done it; but I am uneasy about my property, because I have dared to prosecute them; in fact, I am told that some of them said that I was a great fool to do it.

Question. To incur the hostility of that class of men?

Answer. That is it.

Question. They are so regarded by respectable men throughout the country?

Answer. That is the way I understand it.

Question. You say that a true bill was found against these parties in the United States court?

Answer. There was.

Question. When will they be tried?

Answer. Whenever arrested.

Question. Have they not yet been arrested?

Answer. They have not been yet, and probably they never will be; should you go there now and inquire for them, no man will tell you, and they will evade the officer.

Question. Will they run away?

Answer. They will keep on the alert; you can arrest a man there for any other crime, I think, if he is not connected with this Ku-Klux organization.

Question. Are your juries composed of fair and just men?

Answer. The very best men in the county.

Question. Have you a good judge, and a good prosecuting officer?

Answer. Yes, sir.

Question. Is justice meted out fairly to men of all parties and both colors in your county?

Answer. I think it is, when brought before the court; the great difficulty is getting the cases before the courts.

Question. If the cases are brought properly before your courts, do you believe that justice will be done?

Answer. I do.

Question. And that punishment will follow guilt?

Answer. Yes, sir; if you can get the cases before the courts.

Question. What is the feeling among your people toward the colored race?

Answer. I do not believe there is any ill-feeling toward the colored race, except on the part of this kind of people I have referred to, who want to control the land.

Question. You mean in reference to labor?

Answer. Yes, sir; I mean that they would drive labor out of the country, and charge me $5 for going to mill, if they had power to do it; I think that, in some sections, there may be Ku-Klux who are a little higher-toned gentlemen.

Question. Is it, then, a question of wages between the lower orders of the white men who are laboring men, and the negroes; or do the whites want to have the labor of the country under their own control?

Answer. In some instances it looks in that way, though I have heard of crimes being committed where it has another aspect.

Question. Is that the way in the larger number of cases you have heard of—a direct competition with black labor, and a desire to obtain themselves the control of labor?

Answer. That is the way I understand it; but, as I have before said, I have heard of cases which look like having a different object in view.

Question. Such as the attempts at intimidation which you have mentioned as having been practiced toward your own family, your father, your brothers, and yourself?

Answer. Yes, sir.

By Mr. LANSING:

Question. You say that this Rome Courier is a recognized democratic organ?

Answer. It is.

Question. It is supported and sustained by the democratic party?

Answer. Yes, sir.

Question. Do you know how large a circulation it has in that county?

Answer. No, sir, I do not; the law of the State requires that the county advertisements shall be published in the paper having the largest circulation, and this is the one that all the officers of the county advertise in.

Question. It is taken very generally by the democrats in your county?

Answer. O, yes, sir; hardly anybody else would think it was not a democratic paper.

Question. That is the paper from which these extracts have been taken and made a portion of your testimony?

Answer. Yes, sir.

Question. Do you understand that the tone of this paper is calculated to aid you in attempting to bring these parties to justice?

Answer. Well, sir, I cannot understand it in that way.

Question. Do you understand it to be decidedly the other way?

Answer. I do; and I regret those articles.

Question. Could a paper claiming to be democratic be sustained in your county if it should be open in its denunciations of these lawless outrages, and open in its sympathy with men like you who attempt to suppress them?

Answer. I think maybe it could. I do not know how much it does take to run a paper, but I know there are quite a number of people there who would like to see just such a paper as that.

Question. Do you believe such a paper could be sustained as a democratic paper?

Answer. I do.

Question. Is it not more because you hope it could than because you believe it could, that you say so?

Answer. No, sir; I think it could.

Question. Then why does the democratic party sustain such a paper as this?

Answer. There is no other paper there. This is the best paper we have got there; it is as good as the best, for the Commercial is about equal to it.

Question. You understand these articles to be extreme and bitter in the contempt they seek to create against such men as you?

Answer. I understand the articles to refer to me, but Mr. Dwinnell said that they do not.

Question. Did he tell you to whom they did refer?

Answer. No, sir; he did not. He left it to Mr. Sawyer to say when he came home.

Question. I notice that in this article referring to the fact that Mr. Sawyer has been summoned to appear before this committee, this sentence is used, "They will be very

apt to worm all the secrets of the order out of him." Do you understand by that an intimation that he knows things which the committee will not be able to get from him?

Answer. From the last words, "You bet," it looks like it was intended to convey the idea.

Question. That he intended to suppress facts within his knowledge?

Answer. Take the whole of it, it does look like that.

Question. Is he reputed to belong to that order?

Answer. He has been accused of it.

Question. Do you believe he belongs to it?

Answer. I cannot say that I believe he does belong to it; I hardly think he does.

Question. You will begin to think so if he writes many more such articles?

Answer. Well, I think it is to curry favor with them, not so much that he belongs to them.

Question. You spoke of a disposition on the part of this class of democrats to get control of the lands by getting rid of the negroes. Is it not part of their plans not only to get control of lands, but to get control of affairs by getting rid of their votes?

Answer. I have said that there were some instances that looked that way.

Question. Does it not look as if that was the spirit that pervaded the whole affair, not only to get control of the lands, but to get control of the affairs of government?

Answer. I think my first answer will cover that as well as any I can make that will be satisfactory to myself. There are some cases where I could not see any relation to a desire to control voting.

Question. Do not some of the cases look like that?

Answer. I think probably a majority of the cases do.

By Mr. SCOFIELD:

Question. Do you think that these disguised men have an organization of some kind which occasionally meets?

Answer. I think they do from what I have heard. My father told me—and that comes nearer to it than any instance I can tell you of—that a gentleman who is said to be the cyclops of a den told him that the cyclops of the Melvin den had been to one of the directors of the Alpine den, to get assistance for the purpose of coercing my father into a promise not to prosecute this party for killing that negro, but he refused to grant him any assistance. The director of the Alpine den refused any assistance, and said to them, "You have got yourselves into this difficulty, and if you get into Summerville jail you may rot there for all I will do." Then the director went to the cyclops of the Alpine den and told him to go to old man Foster's house, and stay there that night, for the Melvin den were coming there. The cyclops went over that way, but heard that my father had gone away from home, and he did not go to the house. That is what my father told me.

Question. Do you suppose that the several dens in your county that have different names correspond or communicate in any way with similar organizations in the adjoining counties?

Answer. Those dens I have mentioned are in Chattooga County. I think they do communicate with each other; however, I do not know why I should think so either, only from this instance I have given you; that seems to have that bearing.

Question. As to putting them down and punishing them, you say it cannot be done very effectively there, although there have been some efforts made for it?

Answer. For the reason——

Question. You say it is for divers reasons; sometimes because the witnesses will not appear, through their connivance; and sometimes you cannot prove the facts, and sometimes, also, there is a little sympathy on the part of some of the jury who favor them; and, also, that there is a fear of them on the part of a great many people?

Answer. I think our juries will generally do right.

Question. But it so happens that in the end there are no persons punished. Suppose there should be some such an organization in the several counties around about to go out from time to time and whip white men who are democrats and occasionally kill them; who should perform on the democrats the same that these parties now perform upon the blacks and some of the radicals, as they are called; do you not think there would be a rising of the people to put them out of existence? Would they not organize large patroles, hold public meetings, and offer large rewards, and, as we say, squelch them in a very short time?

Answer. We have got three white men upon my brother's place this year; I do not know whether they are democrats or what they are.

Question. They will whip a democrat as well as a republican if he interferes with their operations?

Answer. I think they will.

Question. If he undertakes to protect the poor people that are whipped, they will go for him?

Answer. Yes, sir.

Question. They go against you, not because you are a democrat, but because, notwithstanding you are a democrat, you have tried to protect the poor people against their outrages. Now, if they committed these offenses upon the other classes of people, do you not believe that the substantial people would rise up almost immediately and put them down and make your democratic paper denounce them?

Answer. It does sometimes denounce them, or sort of explain the matter. I understood you to ask if what was done to the radicals and to colored people was done to democrats, would not the people rise up and squelch them? I am at a loss, somehow, to get at the idea of your question.

Question. Suppose the republicans and the negroes did to the democrats what these people do to them, would not the people rise up and put them down?

Answer. Yes; I think they would.

Question. Very quickly?

Answer. Yes, sir; mighty quick.

Question. You would not hear of any trouble in getting witnesses, or jurors, or officers to do their duty?

Answer. I do not think you would.

By Mr. BAYARD:

Question. Do you not suppose that secret, oath-bound societies in any community would be equally inclined to protect their members against the consequences of their acts?

Answer. I understand it just in that light.

Question. Is not that the danger of all oath-bound societies, and are they not all alike in that respect—that they will protect each other against the consequences of their wrong acts?

Answer. I have heard it, as coming from them, that they would protect one another under those circumstances; that it would be impossible to get one to turn State's evidence against the others.

Question. Is there and has there been in your State an organization, by the other political party, called Union Leagues?

Answer. I know nothing of the Union Leagues, but from hearsay; I think there has been such an organization.

Question. Do you know whether the Union Leagues are oath-bound secret societies?

Answer. I do not know; and I do not know that these are oath-bound.

Question. Do you know more about the organization of the Ku-Klux than you do about the organization of Union Leagues?

Answer. I think I do; I have heard more of it. There was said to be an organization of the Union League, but I knew nothing of it.

Question. There has been a hypothetical question put to you, as to what you supposed would be the result in a certain case; therefore, I put a hypothetical question to you in regard to secret oath-bound societies—whether the members of those societies here in Georgia would not protect each other as much in one political party as in the other.

Answer. Well, I expect they would under similar circumstances.

By Mr. SCOFIELD:

Question. You do not mean to say that the fact that they were secret, or had taken a pledge or oath, would make them dangerous to society or otherwise, because Masons and Odd-Fellows are secret oath-bound societies?

Answer. I do not mean that.

Question. It is the purpose of the organization as manifested by their acts that makes it dangerous?

Answer. That is the way I understand it.

Question. The Union League was a society, as you understood it, to protect the blacks in voting as they desired?

Answer. Yes, sir.

Question. This organization which we are investigating has no such innocent purpose as that, whatever their purpose may be. All that you see of the society is bad; you do not know that they are doing any good?

Answer. Well, when I first heard of them, I thought that some of their operations, in some cases, did have a good effect; that is, the moral tone of it was good. I have heard of their going to some idle men and directing them to go to work, and they would go to work. That would seem to be doing some good; but that was when they first came about. My opinion is that a great many who were originally in it have abandoned it.

By Mr. BAYARD:

Question. How many men do you presume are associated in these bands in your *county*?

Answer. I have no idea what the number is. I have been surprised to find the sympathy for them that I have seen there.

Question. You have no knowledge whatever upon that subject?

Answer. No, sir; I have never been asked to join them in my life. I have been opposed to them, that is, ever since they came near me. I used to hear of them away off, and I thought they were doing some good then.

By Mr. SCOFIELD:

Question. You spoke of the cyclops of one den communicating with another; when was that?

Answer. It was at the time of the Summerville court; I reckon it was in March last.

ATLANTA, GEORGIA, *October* 27, 1871.

RANSOM HAYS (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am twenty years old; I was born in Walton County, and I stay there yet, in the Vinegar Hill district.

Question. When did you come here from Walton?

Answer. About two weeks ago.

Question. Are there any people in Walton County that they call Ku-Klux?

Answer. Yes, sir.

Question. Have you ever seen any of them?

Answer. Yes, sir, I saw them.

Question. How many times have you seen them?

Answer. I have seen them three or four times. I saw them the night they whipped Gus Mills. He tracked them for a piece, and asked me if I saw them when they came up; and I said I did.

Question. How many were there in that crowd?

Answer. Five.

Question. Did you know any of them?

Answer. Two of them.

Question. Who were they?

Answer. Mr. Felker and Jim Austin, his clerk.

Question. With whom are you living?

Answer. With Mr. Benny Watson. Mr. Felker and Mr. Watson had a shop hired, and one hired me and the other hired another boy.

Question. What kind of a shop?

Answer. A blacksmith shop.

Question. Did you see the Ku-Klux at any other time?

Answer. I saw them a Saturday night or two after that.

Question. How many?

Answer. About eighty.

Question. Where did you see them?

Answer. Going up into Gwinnett, on the big road, by Dr. Scales's.

Question. How were they traveling?

Answer. They rode on horseback, right across the road; about eight across.

Question. Had they any officers, or any captain?

Answer. Mr. Felker was captain of the crowd that came down there. I do not know who was the captain of the eighty.

Question. Did you know any among the eighty?

Answer. I did not get a chance. I was afraid they would go for me, and I stood off and counted them in the moonshine.

Question. You did not try to make their acquaintance?

Answer. No, sir.

Question. Did you know where they came from, or where they were going?

Answer. They were going up about Dr. Freeman's, away up in Gwinnett.

Question. Do you know where they came from?

Answer. No, sir; they all came from down below, and met up there at Dr. Scales's.

Question. How far was it to Dr. Freeman's from where you saw them?

Answer. About five miles.

Question. Did you hear of their doing anything that night?

Answer. Yes, sir.

Question. What?

Answer. They went up there and whipped old man Charles Burson, and Jack Allen, and Harry Allen; those boys that were here yesterday evening.

Question. They whipped those men on Mr. Chamberlain's land?
Answer. Yes, sir, those were the ones.
Question. Did you know where else they went that night?
Answer. No, sir.
Question. Did you hear of them anywhere else?
Answer. No, sir.
Question. That makes two times that you saw them; did you see them at any other time?
Answer. I never saw them but the third time.
Question. Where was that?
Answer. Right at Mr. Felker's store.
Question. How many were there at that time?
Answer. About five. There came five once; and then I saw eighty; and then I saw eight.
Question. Did you know any of those eight?
Answer. I knew just the two, Mr. Felker and the other man. They were very late coming home next morning about daybreak.
Question. Did you hear of their doing anything then?
Answer. No, sir.
Question. When did they start off?
Answer. About 11 o'clock.
Question. Did you see their horses, and did you notice whether they had traveled much in the night?
Answer. I just saw them put up their horses. I did not go to the stable.
Question. You do not know where they went?
Answer. No, sir.
Question. How were they disguised?
Answer. They had a concern made to come down all over them, like a coat. Mr. Felker had a shawl concern and something over the face. All the rest had on a white concern to cover them all over.
Queston. Did they have anything on their heads?
Answer. That came over their heads, too, with something sticking up like hbrns.
Question. Were their horses covered?
Answer. Only with what they had on. When they went by anybody's house, they would sort of lie down, and what they had on would spread over their horses some.
Question. Did you ever hear any of these men talk about the Ku-Klux, who they were, or where they came from?
Answer. No, sir.
Question. Did you ever hear anybody say what they were for, or where they came from?
Answer. Only what Mr. Felker told us. He said that we three would not be bothered if we would give up all we had.
Question. All you had?
Answer. We all had pistols. He told us that if we would give up our pistols we would not be bothered at night. Said he, "I will insure that you three will never be bothered if you give up your pistols."
Question. When was that?
Answer. On the 19th of March, when they whipped Gus Mills; he told us that the next day. He said that if we would give up our pistols to him he would let us have them next Christmas. The reason he told us that was for fear that if they came in on us, they would take all the guns and pistols and break them up. He said he would insure us their use when Christmas came.
Question. Did he tell you how he would insure you as to what the Ku-Klux would do?
Answer. That is all he told us. We listened to him talk that way, and we did not know any better. We did not know what to think of his saying that they would not bother us, but we just allowed that he would keep them from us. I am working for him.
Question. Have you told us all you know about it?
Answer. Yes, sir.

By Mr. BAYARD:

Question. Can you count up to a hundred?
Answer. No, sir.
Question. How did you count eighty men?
Answer. I can count that way. I thought you were talking about counting with a pencil and figures; I can count that way.

ATLANTA, GEORGIA, *October* 27, 1871.

JACK BENAFIELD (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I was thirty-one on the last day of last August. I was born in Walton County, and I live there yet, in the Vinegar Hill district.

Question. Have you seen any of these people in your county that they call Ku-Klux?

Answer. Yes, sir; I saw five of them at my house.

Question. When?

Answer. In March last.

Question. Did you know any of them?

Answer. I knew one of them.

Question. Who was he?

Answer. Mr. William Felker.

Question. Tell us what they did when they came to your house.

Answer. They came there and broke down the door, and came in and made up a light, and ordered me to get up. Then they drew their pistols on me, and told me to get down. When they did that, I jumped out of the door and ran. They whipped the fellow I had working with me.

Question. What was his name?

Answer. Billy Smith. They broke my gun.

Question. How much did they whip him?

Answer. They hit him about nine or ten licks.

Question. Did they attempt to catch you when you ran?

Answer. They ran me out of doors a piece, but they never shot at me.

Question. Did you see any weapons that they had?

Answer. They had pistols.

Question. Have they disturbed you any since that time?

Answer. No, sir.

Question Have you ever seen these people at any other time going about the country?

Answer. I have not seen them any about my house. I might have seen them in the day-time.

Question. Did you ever see them before that time?

Answer. No, sir.

Question. Have you ever heard of their going around the country?

Answer. Yes, sir; they have been through the country a time or two.

Question. Why did they come there and break into your house in that way?

Answer. I do not know. I thought the country was getting along the best kind until they came in there; I never thought of such a thing.

Question. Did they make any charge against you?

Answer. No, sir.

Question. Did they make any accusation againt you?

Answer. No, sir.

Question. How was it with Smith; what had they against him that they should whip him?

Answer. I do not know that they had anything against him.

Question. How old is he?

Answer. Eighteen or nineteen, I reckon.

Question. Pretty well grown?

Answer. Yes, sir.

Question. Did they give any reason at all for whipping him?

Answer. They told him that they wanted him to raise his hat when he met a gentleman in the road, and such as that; I believe that was about all they told him.

Question. Did they tell you anything?

Answer. No, sir; I did not stay there long.

Question. You did not stay to listen to them?

Answer. No, sir.

By Mr. BAYARD:

Question. Were you before the grand jury here?

Answer. Yes, sir.

Question. Did you know Ransom Hays?

Answer. Yes, sir.

Question. You were both before the grand jury?

Answer. Yes, sir.

Question. And you stated to the grand jury what you have stated to us here?

Answer. Yes, sir.

Question. Did you know Letty Mills and Augustus Mills?

Answer. Yes, sir; they lived on the same place.
Question. And they were before the grand jury?
Answer. Yes, sir; and the same night they came to my house they came to their house.

By Mr. SCOFIELD:

Question. How many were there that came to your house?
Answer. There were five.

By Mr. BAYARD:

Question. And the only man you knew of them was this man Felker?
Answer. He was the only one I knew.

ATLANTA, GEORGIA, *October 27*, 1871.

HILLIARD BUSH (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I am about twenty years old, I reckon; I do not know exactly. I was born in Pike County, Georgia, and I now live in this city.
Question. When did you come from Pike County?
Answer. About two months ago.
Question. Why did you come from there?
Answer. They got after me to kill me, and I had to run away.
Question. Who got after you?
Answer. Dolph Riggins, and Will Brown, and Tom Williamson, and another Brown.
Question. Where did you see them?
Answer. I was coming from church. They were standing in the road, and when I came up I think one of them had a shot-gun on his shoulder, and another had a pistol in his hand.
Question. Was that in the day-time, or in the night-time?
Answer. It was in the night.
Question. It was just as you were coming home from preaching?
Answer. Yes, sir.
Question. What were they doing in the road?
Answer. They were standing there, with black people all around them, and asking them where I was; they were hunting for me then.
Question. Were they disguised at all?
Answer. No, sir.
Question. What did they say to you?
Answer. They said nothing to me when I came up; but the crowd of black people there sort of gave me notice, and told me to go on.
Question. Did they go after you at any time?
Answer. I went on down about forty yards from there and stopped before the gate of a neighbor. I was talking with some black people about it, and they were telling me what to do. While I was talking there one of these men came up behind me before I knew it. He had a pistol in his hand, and he came up and asked another fellow there who was talking with me where I was. This fellow said I was in the yard the last he saw of me. He then asked me where I was; he did not know me, but when I saw him I knew him. He asked me where I was, and I said I was just gone on home. He started on and said he was going to make cat-fish bait of me before day. He went to my father's house and asked my father and mother where I was; they said they had not seen me since morning. They told my father what they were going to do with me if ever they laid eyes on me.

By Mr. SCOFIELD:

Question. What did they say they were going to do with you?
Answer. They said they were going to kill me if they saw me.

By the CHAIRMAN:

Question. What did they say they had against you?
Answer. They told my father that I was sitting up in the porch one Sunday at one of the neighbor's house, in the afternoon, and one of them came along there, and there were some girls behind them; that there were three boys sitting beside me and another girl; that they were going along the road, and this gentleman was before the girls, about thirty or forty steps, and the boys hallooed and asked the girls if they would have them for company, and the girls told them no; that I spoke up and said I reckoned the ladies' company was otherwise engaged; that this man heard me when I

spoke, and turned around and asked if I was talking to him; that I said no, I was not speaking to him; and that he then went on towards home. Now, he said nothing to me, and did not go for me in any way until three weeks after that.

Question. That was one of these four men?

Answer. Yes, sir.

Question. What made you suppose they would proceed to such violence as actually to kill you, that they were not talking to scare you off? Did they kill anybody else?

Answer. Yes, sir, one man.

Question. Who?

Answer. Columbus Lovelace. Thursday night I lay out in the woods; the next day I came on to Griffin, and from Griffin up here. I got up here on Friday, and on Sunday they were hunting for me down there again. Three boys came along in the road and met the black people coming from church, and asked them where I was. They told them that I was gone; that they did not know where I was. They asked Columbus if he was not me, and he said "No." They asked him what he had his coat off for. He said it was too warm. They said if he passed that bush without putting on his coat they would shoot him down. He walked on without thinking anything, I reckon, and they shot him down before he got to the bush.

Question. Was that all they had against him, that he did not put on his coat when they ordered him to do so?

Answer. Yes, sir.

Question. Did they kill him?

Answer. Yes, sir.

Question. Was anything done with the man who killed him?

Answer. They put the bailiff after him, and went after him three or four miles, and then came back.

Question. Did they arrest the man who killed Columbus?

Answer. Not that I know of.

Question. Are there any people in Pike County that they call Ku-Klux?

Answer. Not that I know of.

By Mr. SCOFIELD:

Question. Do any people ride around there at night with disguises on?

Answer. No, sir.

Question. Do any go round there with false-faces on?

Answer No, sir.

Question. You have heard of such things in other counties?

Answer. Yes, sir, but not there.

By the CHAIRMAN:

Question. You have heard of no such things in Pike County?

Answer. No, sir.

Question. What sort of men were those four men you spoke of? What character did they bear?

Answer. The one that killed Columbus was a bad man; always into fusses, and killing up black folks; so I heard.

Question. How were the others?

Answer. They are but young boys, who never did anything there that I know of.

Question. None of those men have been arrested?

Answer. No, sir.

Question. Why did you not go before a justice of the peace and have them arrested?

Answer. I knew it was no use for me to go before an officer there.

Question. Why?

Answer. If I had done anything with them, and then had gone back home, they would have killed me.

Question. What makes you think so?

Answer. That is the way they do; they always abuse them after they get back home, if they go before the officers.

Question. You were afraid to take any steps against them?

Answer. Yes, sir.

Question. It was two months ago that they came to your house?

Answer. Yes, sir.

Question. When did you come away?

Answer. I lay out in the woods that night, and came on up to Griffin the next day.

By Mr. BAYARD:

Question. You say the bailiff went after this man?

Answer. Yes, sir.

Question. Had the bailiff any writ for him? Do you know what I mean when I say a writ?

Answer. Any right to find him?
Question. A warrant?
Answer. No, sir; not that I know of. I heard that the State put out a warrant for him.
Question. There was a State warrant out for that man for killing the man you speak of?
Answer. Yes, sir.
Question. Do you know where the court sits in that county to try people for crimes?
Answer. No, sir.
Question. Do you know where the county-seat is?
Answer. Yes, sir; it is at Zebulon.
Question. Were you ever there?
Answer. No, sir.
Question. Do you know what has been done toward bringing that man to justice for shooting that colored man?
Answer. No, sir.
Question. Do you know whether the grand jury has ever found an indictment against him?
Answer. No, sir.
Question. Do you understand me when I ask you that question; do you know what I mean?
Answer. Yes, sir.
Question. Can you tell whether they ever found an indictment or not?
Answer. No, sir.
Question. Do you know how that warrant came to be issued by the State against him?
Answer. No, sir.
Question. You only know there was a State warrant out against him?
Answer. Yes, sir.
Question. And the bailiff did not catch him?
Answer. No, sir.
Question. Do you know whether the man is in that county yet?
Answer. I heard that one of the white men said he met him going on toward his brother's house.
Question. How long was that after the killing?
Answer. That same day.
Question. Is he there now, or has he run away?
Answer. The people, most of them, talk as if he was down there hid somewhere in the country.
Question. You do not know whether he has been captured or not?
Answer. No, sir.
Question. You have not been there for two months?
Answer. No, sir.
Question. There are none of these disguised people at all in your county?
Answer. No, sir.
Question. Were you before the grand jury up here?
Answer. Last week?
Question. Yes.
Answer. No, sir.
Question. This is the first time you have been examined about this matter?
Answer. I live out at Whitehall now, near Atlanta.
Question. What brought you here to this room?
Answer. I came up to report.
Question. Who sent you here to report?
Answer. Nobody sent me at all.
Question. You came up on your own motion?
Answer. Yes, sir.
Question. You heard this committee were here, and you came here to make this statement?
Answer. Yes, sir.
Question. When did you come?
Answer. Last Tuesday morning.
Question. You have been here ever since, waiting to come before this committee?
Answer. Yes, sir.
Question. What are you working at in the city?
Answer. I have been working on a brick building.
Question. What do they give you a day?
Answer. A dollar.
Question. And find yourself?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Why did you come before this committee; what reason had you for that?

Answer. I came before it because these men had run me away from there.

Question. Did you think this committee could do anything for you?

Answer. Yes, sir; I thought so.

Question. And you came here for that purpose?

Answer. Yes, sir. They made me leave my crop and everything I had; I could not stay there and gather it; my father had to sell my crop, what I had made.

Question. How much of a crop had you?

Answer. I made about four bales of cotton, I think, and seventy-five bushels of corn.

Question. By your own labor?

Answer. Yes, sir; nobody but me.

ATLANTA, GEORGIA, *October 27*, 1871.

SAMUEL GARRISON (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live.

Answer. I am twenty-seven years old. I was born in Cherokee County, but I live here in Atlanta now.

Question. How long since you came from Cherokee?

Answer. I left there last Christmas a year ago.

Question. Why did you come away from there.

Answer. They got to disturbing me; they shot me, and threatened me a great many times afterwards, and I couldn't stay there safely, and I left.

Question. Who shot you?

Answer. Three young men; one named Jim Cloud, and another William Cloud, and Mr. McGraw.

Question. Was there anybody else in the crowd?

Answer. No, sir.

Question. Were they disguised?

Answer. No more than Cloud had a big scarf thrown around his head.

Question. When did they shoot you?

Answer. The last day of this month will be three years ago.

Question. Begin and tell us where it was, and all about the circumstances?

Answer. At the time they shot me I was at my father's. I was living fifteen miles from father's. On Thursday I heard that my mother was sick, but I could not leave until Saturday, and then I went up to my father's. I had not been there before for eight months. I had just got done eating supper, and was sitting about the center of the fire-place, my father on one side of me, and my sister and mother and two brothers on the other side. My sister saw them step up to the door. She thought they were some neighbors coming in, and did not say anything. The moon was shining brightly, and they did not speak, but fired on us. They struck me on the shoulder. I looked around and saw some persons shooting; they fired some five or six times. My father got up and passed between me and the firing after they shot, and went to reach over to catch me and tell me not to go to the door. I turned so sick that I was afeared I would pitch over, and I leaned back in the chair. After he passed by me, the next I heard was that my father was killed. Somehow or another I tumbled out of the chair; I was very sick and weak. I got back betwixt the beds, and they said I was sinking very fast, when they came to me and picked me up after they got my father into the house.

Question. Did they shoot anybody else?

Answer. They shot my brother just as he went to the door, after they shot my father. They shot him in the hip, and he fell behind the door; and as he fell they shot a hole through the door.

Question. Who were those men; where did they live?

Answer. Two of them lived about a half a mile from my father's; the other lived about six miles from there, up on the other side of the river.

Question. What sort of men were they; what characters did they bear?

Answer. They were men of very good character until they went off into the army; two of them went off, the other was too young to go.

Question. What army were they in?

Answer. They were in the rebel army. They were gone a good while, scouting around. I do not know much about them after they came back from the army. I had left the settlement, and was living about fifteen miles below there, and never went up there very often.

Question. Had your folks had any difficulty with them?

Answer. No, sir; my folks said they had had no difficulty with them.

Question. What reason did they give for shooting you?

Answer. All the reason I ever heard of was this: a young man and my brothers were knocking about together, and they had a few words sometimes. After this accident happened, I heard the young man say that he and those young men were crossing over the river in a batteau, and after he got into the batteau they tried to get him to shoot off his gun, and he would not do it. I suppose they had threatened to kill him at the time. He has been in the habit of staying during the night sometimes with my brother. It was supposed that when they came there that night they supposed that I was him.

Question. Who was that other one?

Answer. His name was Milton Franklin.

Question. Was he a colored man?

Answer. Yes, sir.

Question. Then your idea is that they supposed he was there?

Answer. Yes, sir, that is the best I could find out; a great many said that that was the idea; that they supposed he was there at the time they shot me; that they never shot me intentionally.

Question. How did you know who the men were?

Answer. I saw one myself; I only saw one; that one was standing opposite the door, so that I could see him when I turned around after they shot me.

Question. Was anything ever done with those men?

Answer. That was done Saturday night. On Tuesday they got them up, and had a little trial of it, but never did anything with it. They proved themselves out as being at another place at that time. They told it about over the settlement right smart. One of my bosses got hold of it and said that he would have them up again. They ran off, and the Governor offered a reward and got them back, and they were put in jail, and staid there four or five months, and then they broke jail. They were away a right smart while, and they caught them this summer again, and now they are bailed out on a bond.

Question. How long were you laid up after you were shot?

Answer. I was not able to do anything for five months; it was five weeks before I was able to go home. I had to hire a man to finish gathering my crop and sow my wheat. I was from home five weeks, and it was five months before I was able to do anything. I then staid in the country and made another crop. These Cloud boys had a brother betwixt the two. I heard that he allowed to do something with me. After I got able to travel, and went home, I carried my sister with me and my other brother carried my mother with him. Every once in a while I could hear threats let out what was going to be done.

Question. Who was threatening you?

Answer. This same party, from what I could find out. They threatened to turn us out of house and home before we got away from there.

Question. Are there any people in your country called Ku-Klux?

Answer. No, sir; I have not seen any. I was up there about five weeks ago, and they told me there had been none there lately.

By Mr. BAYARD:

Question. You are the son of Leanna Garrison, the old woman examined here this morning?

Answer. Yes, sir.

Question. This thing occurred three years ago?

Answer. Yes, sir.

Question. You know the names of those three young men?

Answer. Yes, sir.

Question. Your mother and yourself knew who they were?

Answer. Yes, sir.

Question. They could be seen plainly?

Answer. Yes, sir.

Question. They came there and shot your father, and shot you?

Answer. Yes, sir.

Question. You think they really intended to shoot another man instead of you?

Answer. Yes, sir.

Question. You say these men ran off?

Answer. Yes, sir.

Question. Was not a true bill found against them by the jury; was there not an indictment found against them by the grand jury?

Answer. I do not know whether there was any true bill or not found against them.

Question. Was there a reward offered for them?

Answer. Yes, sir.

Question. How much?

Answer. Six thousand dollars.
Question. Did not that bring them?
Answer. Yes, sir, that fetched them up.
Question. They were put in jail, and lay there five or six months?
Answer. Yes, sir.
Question. And then they broke jail?
Answer. Yes, sir.
Question. And another reward was offered for them?
Answer. Yes, sir; I never heard how much.
Question. Was it not the same amount that was offered in the first place?
Answer. I suppose so.
Question. Who offered those rewards?
Answer. Governor Bullock, I suppose.
Question. Did that last reward bring those men again?
Answer. It fetched up two of them; there is one out yet.
Question. They were brought up and put under bond?
Answer. Yes, sir.
Question. Are they to be tried next spring in the Cherokee court?
Answer. That is what is intended.
Question. And you expect to go up there and be a witness against them?
Answer. Yes, sir.
Question. Who is your boss you spoke of?
Answer. John B. Carson.
Question. He is a Georgian?
Answer. Yes, sir, and lives in this city.
Question. He was disposed to see these people punished for the injury done to you?
Answer. Yes, sir.
Question. He is a white man, of course?
Answer. Yes, sir.
Question. You think he is a sincere friend to you, and wants to protect you?
Answer. Yes, sir; I take him to be a particular friend.

ATLANTA, GEORGIA, *October* 27, 1871.

WARREN JONES (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I was thirty-nine years old the 15th of last February. I was born in North Carolina, and was brought away in my youth, by a speculator, to Warren County, Georgia, and I now live in Atlanta.
Question. When did you leave Warren County?
Answer. The 20th of last March.
Question. Why did you leave there?
Answer. They got so bad I could not stand it; they threatened to take my life. The gentleman who I was working with——
Question. Who was he?
Answer. Obadiah Laseter.
Question. What was he going to take your life for?
Answer. He said I should not leave him; he wanted me to work with him for nothing. I had worked with him and made thirty bags of cotton, and he promised to give me half. I went to him, after I made the crop, and asked for some pay to support my family. He said I should stay there and work for nothing. I said I could not stand it. He said if I undertook to leave he would Ku-Klux me.
Question. Who are the Ku-Klux?
Answer. Men who go about and take advantage of black people, I suppose. He went to a gentleman in the neighborhood, and told him he was going to take my life. That gentleman came to me and said that I had better make my escape, because Mr. Laseter had said he would kill me certain. At that time the Ku-Klux were very thick. They came to my house once; they came into the yard and stopped. I had an understanding the day before, and they did not find me. I gathered up what I could in my arms, and, with my wife and child, I came away.
Question. How long did you work there?
Answer. From the 4th of one March until the 20th of the next March.
Question. How much did he give you?
Answer. Nothing. I had right smart of money when I commenced, and I hired all the labor, and paid for all the labor. He was to give me half, and furnish all the stock and the land; but he did not give me anything.

Question. What reason did he give for not letting you have what belonged to you?

Answer. He thought if he did I would be able to live without his assistance; and it is the law down there that a colored man shall have nothing without going to a white man.

Question. Do you mean the law of the State of Georgia?

Answer. No, sir; it is their law. They have no law there, except what they make themselves, for colored men to go by. When I came here I did not have a cent in the world.

Question. Were there such people down there as he spoke of, these Ku-Klux?

Answer. O, yes, sir; abundance of them.

Question. What were they doing?

Answer. After night they would go in great squads and parade about, and some were whipped mightily, and others would lay in the woods. Some white people would give the colored people the privilege of holding meetings on their plantations. When the colored people would build little bush-arbors they would go there in the night and burn them.

Question. Did you have any schools down there?

Answer. No, sir.

Question. Why not?

Answer. They said the negroes should not have schools there. They granted the privilege of having a school, but they would not allow us to have a free school. They said if we were able to send our children there and pay for them, we might have a school. They had a school there about three weeks, and then it broke up.

Question. Why did they not allow you to have preaching?

Answer. They supposed the negroes would get together and talk politics, and in that way the colored people would find out too much to work for nothing.

Question. Why not allow you to talk politics?

Answer. They wanted us to know nothing but what they said; they supposed we would get too much sense if we talked together. They told me that I and no other negro should go and hire again without getting a pass.

Question. A pass from whom?

Answer. From the man I was living with.

Question. Is that the law in Warren County?

Answer. That is the law, so they tell me.

Question. What sort of people are those?

Answer. I cannot tell. They are always dressed in such a kind of uniform that you cannot tell who they are. They have on false-faces, and some with long beards, some with long hats, and some with no hats at all, some with long ears, some with big eyes, and some with long noses. They would take up other names, and call one another, "Big Injun," Little Injun," and say that they came from Manassas Gap, and from the dead since the war, and all that.

Question. Did you ever see any of them?

Answer. Yes, sir, I have seen about fifty.

Question. How many times have you seen them?

Answer. A dozen times. Almost any time in the night you would see them; sometimes they would ride, and sometimes they would walk.

Question. Did you know any of them?

Answer. I could not tell the names; I knew they were neighborhood men; but I was off one side, and they were covered up, and it was in the night, and I could not tell who one of them was.

Question. What would they do when they were around through the country?

Answer. Just prowl around whipping black people, running them off, and taking their crops.

Question. How many have you known of their whipping?

Answer. O, gracious alive, I could not count.

Question. How did people down there regard those folks?

Answer. The white people?

Question. Yes.

Answer. I do not think they have anything to say against them. I think from the way they move there, there is an understanding with them.

Question. Have you any white radicals down there?

Answer. Yes, sir; but they were all run away as bad as I was. They dare not own to that name.

Question. Are they friendly to these Ku-Klux, or are they opposed to them.

Answer. They are opposed to them, but they dare not own it. Several of them have spoken to me and told me different things, but when they were telling me to take care of myself, they told me that whatever I did, not to report their names, or they could not live there.

Question. Why not?

Answer. Because they would come to them in the night and kill them. It makes no matter with them, white or black.

Question. Are there any radicals among the Ku-Klux, do you suppose?

Answer. From the little I can learn I suppose that there were some black people mixed up among them once in a while, but I could not say who they were. I understood there were some of them amongst them, some of both parties.

Question. How did you learn that?

Answer. From some neighbors who knew who they were. Some of the colored people down there have known exactly who they were, because they lived right with them.

Question. You think some black people were along with the Ku-Klux?

Answer. Yes sir; so said to be—and from what little I learned before I left there, I think it is the fact.

Question. What should induce them to go out with the Ku-Klux?

Answer. They were hired.

By Mr. BAYARD:

Question. Just state the full name of that man that you worked for a year without his paying you for it.

Answer. Mr. Obadiah Laseter.

Question. What is his post-office town?

Answer. The name of the place is Fifty, on the railroad by Gaines's Mills.

Question. You worked for him an entire year, and he never paid you anything, and you had to come away and abandon your share of the crop that you made?

Answer. Yes, sir.

Question. When did you come up here?

Answer. Last March.

Question. Did you ever make any complaint?

Answer. About him?

Question. Yes.

Answer. Yes, sir; but not to the law.

Question. This is the first time you have stated any complaint?

Answer. Yes, sir; I have in my pocket now the contract between me and him.

Question. How often have you seen these disguised men?

Answer. I could not tell you how often I have seen them—a number of times.

Question. More than once?

Answer. Yes, sir; over a half a dozen times.

Question. Did they come close to you?

Answer. They came into my house once, when I was lying up in the horse-lot.

Question. Did they ever come there again?

Answer. No, sir.

Question. How many did you ever see together at once?

Answer. Sometimes fifteen or twenty, sometimes not more than half a dozen.

Question. You understood that among this body of men going about there were some colored people?

Answer. Yes, sir.

Question. Going around with them?

Answer. Yes, sir; they hired them to go with them.

Question. Have you ever gone to any lawyer here and asked if you could get your property?

Answer. No, sir; I have only talked with such men as I have been working with, but with no lawyer and no officer. I asked them what they thought, and they said they thought I ought to have it, and could get it, provided I would take the right start for it.

Question. Why did you not take the right start?

Answer. Because I was a stranger in this neighborhood.

Question. You have made no attempt to sue that man?

Answer. No, sir.

Question. I advise you to do it. Talk with some reputable member of the bar, and get him to help you. No injury was inflicted upon you personally?

Answer. No, sir; they did not get hold of me?

By the CHAIRMAN:

Question. Let me see that contract.

Answer. Here it is. [Handing the chairman the following paper:

"STATE OF GEORGIA, *Warren County:*

"Articles of agreement between O. R. Laseter, of the first part, and Warren Jones, freedman, of the second part, all of the State and county above written, witnesseth:

"That Warren Jones agrees to work on the plantation of the said Laseter. He agrees to be industrious and attend to all business intrusted to him on said plantation. He

further agrees to cultivate the farm in cotton by the direction of the said Laseter. He also agrees if he does not cultivate the farm well he will allow the said Laseter to hire hands to work the same, deducting the expenses from his part of the crop.

"The said Laseter agrees to furnish the land, horses, and half the feed for the horses and half of the blacksmith work, Warren Jones furnishing half the horse-feed and half the blacksmith's bill. The said Laseter binds himself to sell the cotton, and, after deducting the above expenses, with all other expenses which may occur in getting the cotton to market, to give Warren Jones half the net proceeds of the same.

"O. R. LASETER,
"WARREN JONES.

"In presence, March 4, 1870—
"T. H HAYES."]

Question. Did this Mr. Laseter hire any hands?
Answer. No, sir.
Question. You did all the work yourself?
Answer. Yes, sir.
Question. Did you furnish half the feed for the horses?
Answer. Yes, sir; and I did all the shop-work; he was to pay me for half of that.
Question. He is owing you for half the crop and half the shop-work?
Answer. Yes, sir.

By Mr. BAYARD:

Question. Has the crop of cotton been baled?
Answer. Yes, sir, and sold.

By the CHAIRMAN:

Question. Had it been sold before you left there?
Answer Yes, sir; he had the last bill for it when I went to him for my pay.
Question. Do you know how much the thirty bags of cotton sold for?
Answer. The first seven bags, weighing 502 pounds each, on the average, sold for 14¼ cents per pound. The last picking weighed 501 pounds, on the average, and they sold for 14¼ cents a pound.
Question. What are you doing here?
Answer. I am working at the coal-yard.

ATLANTA, GEORGIA, *October* 27, 1871.

MARTIN ANTHONY (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I am about forty years old. I was born in Virginia; and I live in Atlanta now.
Question. How long have you been living in Atlanta?
Answer. I came here the last of July.
Question. From where did you come?
Answer. From Morgan County.
Question. Why did you leave Morgan County?
Answer. I left there because I could not stay in any peace.
Question. Why not?
Answer. Some men came to my house one night and took me out and beat me; what for, I could not tell.
Question. How many came?
Answer. Five were all I saw.
Question. Were they disguised?
Answer. If they were, I could not tell it; it was so dark I could hardly see my hand before me.
Question. How did they get into your house?
Answer. They bursted the door down with an old maul. They ordered me to open it, and I did not do it, and they went round the house and found an old maul I had to split wood with, and they took and mauled the door down. I was leaning against the door to keep them from getting in, and they knocked me down and struck me on the side of my head.
Question. Was there only one door to your house?
Answer. Only one.
Question. Why did you not get away?
Answer. There was no chance; I was the only colored man on my place. My wife was not at home, and there was nobody there but me and my daughter.

Question. How old is she?
Answer. Nigh on to sixteen.
Question. Did they molest her?
Answer. They did not bother her at all.
Question. Did they see her?
Answer. She ran under the bed as they came in at the time, and she staid under the bed.
Question. Did they make up a light?
Answer. They ordered me to make up a light, but it rained powerful hard that night, and wet everything, and they could not make any light. Two of them carried me up to the white man's house I was working with to get some fire, but they could not get any.
Question. Did they whip you?
Answer. They knocked me about with their fists right smart, but they did not beat me with any switch.
Question. Who were they?
Answer. I could not tell; you are too hard for me now.
Question. Did they say who they were?
Answer. The white man I was living with asked me what was the name of one of them. The man looked like he was seven feet high; and he said his name was Bush.
Question. Did he have any disguise on?
Answer. If he did I could not tell it; it was very dark.
Question. You say he looked like he was seven feet high?
Answer. Yes, sir.
Question. How could you see him to know that?
Answer. He was close to me; he had hold of me. He jerked me out of the door and tore my shirt half off, and made me go up to the white man's house in my shirt and drawers. Two of them carried me up there, and the other three staid at my house, waiting for me to get some fire and come back.
Question. Who was the white man you were living with?
Answer. Virgil Adair.
Question. Why did he not protect you?
Answer. He said he was afraid.
Question. Did he know any of them?
Answer. He said he did not.
Question. When was this?
Answer. Last August two years ago.
Question. What reason had they for treating you in that way?
Answer. I could not tell to save my life.
Question. Did you not ask them?
Answer. No, sir; I did not ask them at all; I was afraid.
Question. They told you nothing?
Answer. No, sir; except they told me they were a good mind to shoot me.
Question. Were they armed?
Answer. They had pistols.
Question. You say you have no idea who they were, or what they came there for?
Answer. No, sir.
Question. Did they take any property or anything from you?
Answer. No, sir, they did not take anything from me at all.
Question. They told you nothing; gave you no orders?
Answer. No, sir.
Question. When you went up to the house of the man you lived with was he in bed?
Answer. Yes, sir; I went to the door and knocked, and called him.
Question. Why did you not let them do it?
Answer. They made me do it; they would not do it. They stood out under a shed to the house, which was like a piazza, built over the door.
Question. Did the man come to the door?
Answer. Yes, sir.
Question. Why did you not slip in there?
Answer. I was afraid they would shoot me as I went in; they were standing right behind me, and the man looked like he was afraid to poke his head out of the door. He would not have said anything to them but for his wife, who insisted that he should ask their names; and the big one said his name was Bush.

By Mr. BAYARD:

Question. You are living here in Atlanta?
Answer. Yes, sir.
Question. How did you come to appear before this committee?
Answer. I heard it was said that all that had been interrupted were wanted to report here.

Question. How many days have you been waiting to be examined?
Answer. I came here Tuesday morning.
Question. At what are you working?
Answer. I have been draying some since I have been here.
Question. You never saw any disguised men in that county at all?
Answer. No, sir; not that I know of.
Question. You never saw any of them disguised?
Answer. Not that I know of; I do not want to tell anything more than I know.

ATLANTA, GEORGIA, *October* 27, 1871.

ALEXANDER HINTON (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am about thirty-six years old, going on thirty-seven; I was born in Wake County, North Carolina; and I now live in Atlanta.
Question. Where did you come from when you came here?
Answer. From Walton County.
Question. How long had you lived in Walton County?
Answer. I came there when I was six years old, and lived there until the emancipation.
Question. Why did you leave there?
Answer. Mr. Dave Harris shot me.
Question. How came he to shoot you?
Answer. Some soldiers came for him, and some of them got off at Social Circle. They asked me if I knew a man of the name of Harris. I said I knew one—Dave Harris. They took out a paper and read it, and told me to go to his house and show them where he was. They asked me if I knew Mr. Paddock, and I said I did. They asked me where he lived, and I said that he lived in the city. They made me show them Mr. Paddock's place, and then I went down to show them where Mr. Harris was fixing a house. There was a white man mauling rails. They went up to him and asked where Mr. Harris was, and he said he had stepped out into the swamp hunting. They all sat down there, and about dinner one of them said, "I expect he is up about the camp now." When they were going back they saw me with these men. I saw several men shaking their heads at me, and I expected they would kill me. One man came along behind me and said, "You are gone up." When they got to Paddock's house they said that I could go back, but that I had better look out. I started on home, and Mr. Harris was sitting in the piazza of the store; and as I passed him he went into the store and got a gun. He came out behind me, and had a gun in his hand. I was on the right-hand of the street. I saw a little boy on the left hand of the street, and as I wanted to get away from before Mr. Harris, I called to the boy, and went across the street. He came along, and was loading his gun. When I got down to the doctor's I stopped to see an old lady there I had not seen for three years. I put one foot upon the ground. Harris came along and kept on loading his gun. When he had put on the cap he said, "Come here." I said to the old lady, "He is calling you." He said, "No, I want you." She told me not to go. I thought I would go to him and tell him the reason I went with those men. I started to him, and made four steps toward him, and my conscience checked me not to go. I stopped right still and said, "I am not going down the road now." He said, "You have got to go." I said, "No, I am not going." He raised his gun, and I started to run, and just then he fired on me. Some of the shot went on my throat, some on my head, some in my hand, and about forty in my back. I went down to the railroad and saw these same soldiers again, and told them this man had shot me. They ran after the man, but he had cleared out to the woods. They carried me on to Madison, and left me there, but they did nothing for me. I walked back home, and staid with my wife. I went to Covington again, and one of the men saw me again, and he carried me to Greensborough, and I staid there three weeks. I then went back and staid with my wife one night, and then I came on up to Atlanta. I went down there one night to see my wife, and while I was down there my brother's wife told me to bring him with me up here, for she was afraid they would kill him. He came with me, and we walked around here two or three days. He could not get anything to do until he went to drive some cows down there. While he was there they got word that he was there, and after breakfast one day, about 8 o'clock, Mr. Basket and some men came with dogs and caught him and carried him off. They sat on the fence awhile, and in about a half an hour a gun was fired down by the river. In fifteen minutes more another gun was fired. Mr. Dave Harris was not with Mr. Basket when he got the boys, but in about a half an hour Mr. Harris came with a rope in his

hands, and it was right bloody. He asked where Harris's wife was, and what Harris had there. She told him, and he took some wheat that he had got for traveling around with a threshing-machine and carried it off.

Question. What did they do with him after they killed him?

Answer. They put him into the river. They called this man Dave Harris "Headquarters," because he killed so many of them.

Question. Has anything ever been done with this Dave Harris?

Answer. No, sir; he is so independent in it; I would insure any man right now that he has some case of mischief on hand to-night. He just goes and does as he pleases. People come from there and say that Mr. Harris has killed some one.

Question. Did he have anything else against you except that you were with the soldiers?

Answer. That was all.

Question. What did they shoot your brother for?

Answer. Because they could not get me. He said if he could not kill me, he would kill one of my brothers.

By Mr. BAYARD:

Question. How many years ago was that?

Answer. I do not exactly know how many, but it has been three or four years.

Question. Was it not the year the war ended?

Answer. Yes, sir; I think it was.

Question. Was it in 1865?

Answer. Yes, sir; I think that was the year.

Question. Was it in the spring, or in the fall?

Answer. It was along about this time of the year—late in the fall.

Question. Who was the commanding officer up there then?

Answer. Mr. Benteen and Mr. Kuykendall.

Question. Was General Meade here?

Answer. Mr Benteen and Mr. Kuykendall were here.

Question. Where were they stationed?

Answer. Here, at the city hall.

Question. Who commanded the soldiers you piloted down there at that man's place?

Answer. I do not know.

Question. This all took place in 1865?

Answer. Yes, sir.

By the CHAIRMAN:

Question. How many crops have been made since you were here?

Answer. I have made none.

Question. How many crop-seasons have there been?

Answer. I do not know exactly; I could not tell; I have been hurt so bad.

Question. How long after you were shot before your brother was killed?

Answer. I do not reckon it was more than two months after I was shot; it was hardly two months. There was a man and a woman who came from there and who know all about this Dave Harris. They call him the "Headquarters," because he just hangs, kills, and whips to death, people there, and throws them into the river. I never saw him before I went down to the house with the soldiers.

By Mr. BAYARD:

Question. You have been living in Atlanta how long?

Answer. Ever since he shot me.

Question. Who told you to come before this committee?

Answer. My sister sent word to me to come up here.

Question. You did not receive any paper or summons?

Answer. No, sir.

Question. How many days have you been waiting here?

Answer. I came here on Tuesday.

Question. You have been here ever since waiting to tell this story?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 27, 1871.

ABRAM COLBY (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live?

Answer. I am fifty-two years old. I was born in Greene County and it is my home now when I can live there.

stion. How many days have you been waiting to be examined?
wer. I came here Tuesday morning.
stion. At what are you working?
wer. I have been draying some since I have been here.
stion. You never saw any disguised men in that county at all?
wer. No, sir; not that I know of.
stion. You never saw any of them disguised?
wer. Not that I know of; I do not want to tell anything more than I know —

ATLANTA, GEORGIA, *October 27*, 18

EXANDER HINTON (colored) sworn and examined.

By the CHAIRMAN:

stion. What is your age, where were you born, and where do you now live?
wer. I am about thirty-six years old, going on thirty-seven; I was born in
ty, North Carolina; and I now live in Atlanta.
stion. Where did you come from when you came here?
wer. From Walton County.
stion. How long had you lived in Walton County?
wer. I came there when I was six years old, and lived there until the emanci

stion. Why did you leave there?
wer. Mr. Dave Harris shot me.
stion. How came he to shoot you?
wer. Some soldiers came for him, and some of them got off at Social Circle. T
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Harris was, and he said he had stepped out into the swamp hunting. They
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home, and staid with my wife. I went to Covington again, and on
ne again, and he carried me to Greensborough, and I staid there th
went back and staid with my wife one night, and then I came on
it down there one night to see my wife, and while I was down there
told me to bring him with me up here, for she was afraid they w
ime with me, and we walked around here two or three days. He
ing to do until he went to drive some cows down there. While
ord that he was there, and after breakfast one day, about 8
ome men came with dogs and caught him and carried h
awhile, and in about a half an hour a gun was fired
minutes more another gun was fired. Mr. Dave H
he got the boys, but in about a half an hour Mr

Question. Were you a slave before the war?
Answer, Yes, sir; I was raised by my father, and I was a slave of his.
Question. Were you living with him at the time of the emancipation?
Answer. No, sir; he was dead then. He left me free when he died.
Question. How many years have you been free?
Answer. About twenty years.
Question. What was your occupation before the war?
Answer. I used to be a barber.
Question. Did you take any part in the politics of the country after the war was over and reconstruction had commenced?
Answer. Yes, sir, I did, after the war was over.
Question. What part did you take?
Answer. I took the republican part.
Question. You acted with the republican party?
Answer. Yes, sir.
Question. You took a prominent and active part?
Answer. I think so.
Question. Have you held any office or position?
Answer. I was elected to the legislature.
Question. Which legislature?
Answer. In 1868.
Question. To which house?
Answer. To the lower house.
Question. Were you one of those who were expelled?
Answer. Yes, sir.
Question. And then reinstated?
Answer. Yes, sir.
Question. Are you a member of the next house?
Answer. Yes, sir; I was elected to the next legislature.
Question. Tell us whether at any time you have had any violence offered to you; and if so, tell us what it was.
Answer. On the 29th of October, 1869, they came to my house and broke my door open, took me out of my bed and took me to the woods and whipped me three hours or more and left me in the woods for dead. They said to me, "Do you think you will ever vote another damned radical ticket?" I said, "I will not tell you a lie." They said, "No; don't tell a lie." I thought I would not tell a lie. I supposed they would kill me anyhow. I said, "If there was an election to-morrow, I would vote the radical ticket." They set in and whipped me a thousand licks more, I suppose.
Question. With what did they whip you?
Answer. With sticks and with straps that had buckles on the ends of them.
Question. How many were engaged in that?
Answer. Sixty-five came to my house and took me out; only twenty-five whipped me, so I understood after they thought I was dead.
Question. Were they disguised?
Answer. Yes, sir.
Question. Did you know any of them?
Answer. I think so.
Question. How many?
Answer. Ten or fifteen.
Question. Give their names?
Answer. Doctor John E. Walker, William Lawrence, Jim Williams, Henry Johnson, Mr. Black—I do not know his given name, but he was a poor fellow—Mr. Barnwell, John Dunn, William Turnell, Mr. Saunders—a young man, I forget his first name—Albert Tunison, a young fellow, Tom Robinson, and Henry Jackson. I can swear to those names, and there are others I can name, some two or three I think I knew, but I will not tell any except I can swear to them.
Question. Where was this done?
Answer. In Greene County, about two miles from Greensborough. I live in the country.
Question. Was that before you had been expelled from the legislature?
Answer. No, sir; it was after, and before I was seated again.
Question. What is the character of those men who were engaged in whipping you?
Answer. Some of them are the first-class men in our town. One is a lawyer, one a doctor, and some are farmers; but among them some are not worth the bread they eat. I have heard a great many names since, but I did not know them that night.
Question. Did they have any talk with you before they took you out?
Answer. No, sir. They broke my door down. I was asleep. They called out, "Surrender!" I said, "Of course I surrender." They had their pistols, and they took me in my night-clothes and carried me a mile and a quarter from home. I may say that they hit me five thousand blows. I told President Grant the same that I tell you now.

After they thought I was dead, Doctor Walker came up to feel my pulse. Finding my wrist all wet and bloody, he did not feel my pulse, but said, "He is dead." Tom Robinson was commanding the crowd. Two of them said, "Captain, we have not struck him a lick." He said, "Yes, all of you have." They said, "Only twenty-three of us have whipped him." He said, "Go on and lick him; he is a dead man." One of them came up and struck me. I counted his licks. At that time they did not hurt me a bit, except about the neck. He struck me two hundred licks. They gave me four or five hundred before they commenced counting. They told me to take off my shirt. I said, "I never do that for any man." They tried to knock me down with their sticks, but they could not do it. My drawers fell down about my feet, and they took hold of them and pulled them, and tripped me up. They then pulled my shirt up over my head. They said I had voted for Grant, Bullock, and Blodgett.

Question. You had voted in the legislature for Foster Blodgett, and had voted at the polls for Bullock and Grant?

Answer. Yes, sir.

Question. And that was the reason they gave for whipping you?

Answer. Yes, sir; and they said I had influence with the negroes of other counties, and had carried the negroes against them. About two days before they whipped me they offered me $5,000 to turn and go with them, and said they would pay me $2,500 cash if I would turn and let another man go to the legislature in my place. I told them that I would not do it if they would give me all the county was worth; that Foster Blodgett had always been a true man to me and to my party. One of them laughed and said, "You have a son named Foster Blodgett." I said, "Yes, I have." That night when they whipped me, they said, "You named a little son of yours Foster Blodgett; we will give you a hundred more for that;" and they did so. The worst thing about the whole matter was this: My mother, wife, and daughter were in the room when they came there and carried me out. My little daughter came out and begged them not to carry me away. They drew up a gun and actually frightened her to death. She never got over it until she died.

Question. How long did she live?

Answer. About a year.

Question. Had she ever been sick before?

Answer. No, sir; that was the part that grieves me the most about the whole thing. I was at my house a week ago, but I staid in the woods that night; they were around there looking for me.

Question. Have you property down there?

Answer. Yes, sir; I have a small plantation, and I could make as comfortable a living there as anywhere in the world if they would leave me alone. I cannot live there.

Question. Have any of those men been punished for this transaction?

Answer. No, sir. I would have come before the court here last week, but I knew it was no use for me to try to get Ku-Klux condemned by Ku-Klux, and I did not come. Mr. Saunders, a member of the grand jury here last week, is the father of one of the very men I knew whipped me. What was the use of my going before that grand jury? Several tried to get me to come, but I said, "I will not go before that court if I never get them punished; for I know that court will never punish them."

Question. Why have you not brought a civil action for damages against them?

Answer. I did not see that I could get anything; that is the reason why I have not done it.

By Mr. SCOFIELD:

Question. You would be the only witness to prove who they were?

Answer. My old mother-in-law thinks she knew one of the men who came into the house; but I have never called his name, for I do not think I knew him.

By the CHAIRMAN:

Question. How long before you recovered from the effects of this treatment?

Answer. I have never got over it yet. They broke something inside of me, and the doctor has been attending to me for more than a year. Sometimes I cannot get up and down off my bed, and my left hand is not of much use to me. I can use it better now than I could a while ago. I cannot do any work now, though I always made my living before in the barber-shop, hauling wood, &c.

Question. You spoke about being elected to the next legislature?

Answer. Yes, sir.

Question. How was that managed; did you go into the county?

Answer. Yes, sir; but they run me off during the election. I came off the morning of the last day of election.

Question. How did they run you off?

Answer. They got after me, and swore they would kill me if I staid there. My colored friends were afraid they would kill me, and wanted me to come up here; but still they continued voting for me. The Saturday night before the election I went to

church; when I got home my dogs out in the yard began barking. One of my boys opened the door, and just as he did so a bullet came through the door and went into the ceiling. I took my gun and ran up stairs, and thought I could shoot through the window. They heard me going up stairs, and they just peppered all that side of the house with shot and bullets.

Question. Did you vote at the election?

Answer. Yes, sir.

Question. Did they make any objection to your voting?

Answer. No, sir. Last year I went home repeatedly; this year they are trying to keep me away so as to contest my seat in the legislature, on the ground of my being a non-resident. That is the idea, I am told by the leading men of the county, both white and colored.

Question. What sort of an election did you have there last year?

Answer. We had a pretty fair election. At the beginning of the election, on the first day, we had some United States soldiers there. They got them drunk, and they changed the tickets of some of the colored people. I saw them doing it, one of them.

Question. A soldier did that?

Answer. Yes, sir.

Question. What kind of a man was he?

Answer. He was an Irishman. I saw one of them change a ticket that a colored man had, and I went to him and said, "You must not do that." They gave the colored man a ticket for Mr. Saunders, who ran against me. He was the father of one of the men who beat me.

Question. How much majority did you get?

Answer. Between seven and eight hundred, I think.

Question. Were those men disguised who treated you in the way you have stated?

Answer. Yes, sir; they were all disguised.

Question. Were they what are known as Ku-Klux?

Answer. Yes, sir; if they are not Ku-Klux, then there are not any. They had on white gowns that came down below their knees, masks on their faces, and their heads were covered up with white caps, or something of the kind; a mask and a cap on too, I think. I knew the voices of those men whose names I have given, as well as I knew my own. I was with them every day. There were several there who did not speak at all; but I knew some of them by the boots they had on their feet; and they had two negroes with them.

Question. Did the negroes whip you?

Answer. Yes, sir.

Question. Did you know who they were?

Answer. Yes, sir; Green Lawrence was one. I forgot to give his name just now.

Question. Who was the other?

Answer. Joe Bonner. He is dead, and there is no use to give his name.

Question. Were those negroes unfriendly to you?

Answer. Yes, sir; they voted the democratic ticket from the start.

Question. What number of colored people vote the democratic ticket there?

Answer. I do not think we lose over fifty colored votes in the whole county, and I do not think we would lose them if we could get a chance to talk with them, but we are not allowed to go away from town.

Question. Why not?

Answer. If I was to go into the country five miles I would not be allowed to go back again.

Question. Are there any white republicans in the county?

Answer. Very few; they cannot go to the polls and show it.

Question. How do they treat white men there who are friendly to the colored people?

Answer. They scorn them, and call them Yankees. We have had several school-teachers there that they have run off. They took a teacher named Gladdon, a northern man, and walked him all over town one night and then carried him to a fish pond, and told him that if he was there in the morning they would do something to him. He came to me the next morning.

Question. What did they tell him they would do if he staid there?

Answer. They said they would kill him.

Question. Was he teaching a colored school or a white school?

Answer. A colored school.

Question. Are there any colored schools there now?

Answer. One.

Question. Who is teaching it?

Answer. A colored man.

Question. Did they interfere with him?

Answer. They have not yet, he says; he has only been there a month.

Question. Do you know anything about any colored people having been killed there?

Answer. I know of several having been killed.

Question. Do you recollect the names of any?

Answer. Allen Jackson and Bob Lewis were killed; I think about six or seven have been killed. There was a yellow man killed there, but I cannot think of his name, though I knew him very well.

Question. Do you know of any cases of whipping there?

Answer. There is no use in talking about whipping; they whip them whenever they want to, in my county. I would have had several of them up here now, but they are afraid to come.

By Mr. SCOFIELD:

Question. Do they burn any of your school-houses and churches?

Answer. They fired our school-house one night, but it was near our house, and my wife and I put the fire out. I do not know whoever to lay that to, whether white people or colored people. They would run off every teacher we had.

ATLANTA, GEORGIA, *October* 28, 1871.

ABRAM COLBY, (colored;) examination continued.

By the CHAIRMAN:

Question. How long did you stay in Greene County after you were beaten in the way you have described?

Answer. About two months.

Question. How much of your time have you been back there; how many times?

Answer. I went back there last year very often, and staid there, at home, a great deal, except when I was here in the legislature.

Question. How has it been this present year?

Answer. I could not stay at home at all.

Question. Why?

Answer. Because they Ku-Klux my house every time I go home. Any day that I am home I may expect the Ku-Klux at my house. I have not staid there more than one night this year; I had to stay in the woods.

Question. What do you mean by Ku-Kluxing your house?

Answer. Shooting into the house. They did not shoot into it the last time. I heard them coming; I was off into the woods. But Tuesday morning, a week ago, I saw their tracks all around the house.

Question. Were they persons who were seen so that it could be told who they were?

Answer. No, sir; not this last trip.

Question. How was it with regard to the persons who shot into the house?

Answer. They were seen, but they ran off. I was in the house myself one time, and I shot at them and they ran away.

Question. Were they disguised each time?

Answer. Yes, sir.

Question. In what numbers?

Answer. There appeared to be a great many of them, but I cannot say how many there were.

By Mr. SCOFIELD:

Question. You say you shot at them once?

Answer. Yes, sir, from my house. After they fired into my house, I ran up stairs and shot at them, and they ran away.

Question. When was that?

Answer. Last March.

By the CHAIRMAN:

Question. Did you make a general canvass there last fall?

Answer. No, sir; I was not allowed to do it. No man can make a free speech in my county. I do not believe it can be done anywhere in Georgia. I know I cannot do it in my own county, and I do not believe any republican can.

Question. Why not?

Answer. Because they will not allow it. If you go there to do it you will be killed, or shot at, or whipped, or run off, as has often been the case.

Question. You say no man can do it; do you mean no republican, or no man of your color?

Answer. I mean no republican, either white or colored; it has not been done.

Question. I suppose you used to attend political gatherings here before the war, and hear men talk on the one side and on the other?

Answer. Yes, sir.

Question. Has there been any of that kind of free debate and discussion since the war, to your knowledge?

Answer. No, sir.

Question. You say no republican can make a free speech: how is it with those on the other side?

Answer. Democrats can make speeches whenever they want.

Question. Have you ever known any democratic speaker at a democratic meeting to be interfered with?

Answer. No, sir; not in my county.

Question. Have you known any democrat in the State, of any color, character, or kind, to be murdered with fire-arms or pistols, or on account of his politics?

Answer. No, sir; I have not.

Question. You say that it is proposed to expel you from the legislature?

Answer. Yes, sir.

Question. On what ground?

Answer. On account of want of residence. They kept me from home so long that they claim I am not a resident of the county.

Question. What reason have you for supposing that such a thing is thought of?

Answer. Because I hear it when I go home.

Question. Do you hear it as coming from any responsible or respectable source?

Answer. I only get it from low white men who tell me of it when I go home. They say, "You cannot stay there; you cannot take your seat; we do not intend that you shall have your seat." They say, "We do not." I take it they mean by that the whole of them.

Question. You have heard none of the prominent men of the party intimate anything of the kind?

Answer. I have heard them say that I will never take my seat because I am not a resident of the county.

Question. Who have you ever heard say that?

Answer. I heard Mr. Boyd's son-in-law say it; he is a member of one of the first families: he told me so to my face.

Question. Have you any newspapers in your county?

Answer. Yes, sir.

Question. How many?

Answer. One, the Herald.

Question. What is the political character of that paper?

Answer. Democratic.

Question. Has that paper had anything to say about this treatment of you?

Answer. No, sir; not a word.

Question. Has it had anything to say about your being deprived of your seat?

Answer. No, sir; or if it has, I have not heard of it yet.

Question. When you have not been at home you have been here in Atlanta?

Answer. Yes, sir.

Question. Quite a number of your people have been before us, who have told us why they have come to Atlanta, because of having been badly treated and driven from their own homes. Why did you come to Atlanta?

Answer. For protection. The military is here and nobody interferes with us here. For that reason we have come here for protection; we cannot stop anywhere else so safely, and that is the reason I came here.

Question. What would be your chances for protection under the laws of Georgia, as administered by the people of Georgia, without any interference from any other source?

Answer. It would be death at once.

Question. What is the hope of your people for their protection and security in the future?

Answer. It is our hope that Georgia will go back under military control, so that we can get protection from the Government.

Question. What government?

Answer. The United States Government. That is the prayer of our people.

Question. You say you were in the legislature?

Answer. Yes, sir.

Question. And you had a majority in the two houses?

Answer. Yes, sir.

Question. And you had the governor?

Answer. Yes, sir.

Question. And you could have used the militia of the State?

Answer. I do not know that we could. We tried to raise colored militia, but the white republicans were too weak for us; every time it was brought to a vote we would lose it.

Question. The white republicans were not all willing for that?

Answer. No, sir.

Question. How has it been with the officers of the State government, executive and the judicial officers?

Answer. Some portion of them have been right, and some have been very contrary to law.

Question. Who of all the officers of the State do your people regard as their truest and most reliable friends?

Answer. The governor of the State is all the protection we have. Whenever anything occurs we look to the governor only for protection; that is the only source of protection we have here.

Question. Who of the judges on the bench do you regard as your most reliable friends?

Answer. I do not know one that I think would give us any rights at all, who has been on the bench.

Question. Do you mean to say that if you had a case brought before a judge, there is not one of them who would do you justice?

Answer. I mean this: I have had my case for two years, and I have never carried it before one of them, because I believed I could not get justice.

Question. Have you ever talked with one of them about it?

Answer. I talked with Judge Lochrane before he resigned. If he had not resigned I would have had it tried before him, but since he has resigned I have not mentioned it to any one of them.

Question. You regarded him as a just man?

Answer. I thought he was.

Question. You have told us why you have made no attempt to obtain redress and justice for this treatment to you?

Answer. Yes, sir; I aimed to do so yesterday evening, and I suppose I did.

Question. Suppose that your people had protection so that they could live at home peaceably with their families and attend to their business, what would be their preference; to gather in the towns or to go into the country?

Answer. They would all go into the country on farms; but wherever they now go into the country and make anything at all, if their crops are good they are driven off before they can get a chance to gather them. The owner of the place may try to protect them, but he cannot do it. If they make anything the first year they are driven off the second year.

Question. Has that been done in many instances?

Answer. Yes, sir; that is the case in my county, and I have talked with many persons here, and find that it is a general thing in all the counties.

Question. Is that a common feeling among the white people of Georgia, that the negroes shall not make anything?

Answer. Yes, sir; I think it is the feeling that the negroes shall not have anything at all.

Question. That is not the way with all of them?

Answer. I do not say it is the way with all of them. Some of them talk right, but at the end of the year you do not get any more from those who talk right than from those who talk rash. Some few will give you what you make, and at night others will come and take it away from you, so that you lose it all anyhow. If our people could have any showing to work, I assure you that you would find in Georgia just as industrious colored people as anywhere in the world. Here, in this place, I suppose there are three or four thousand colored people who would to-day be out on farms if they could be allowed to stay there; while here they hardly make their bread. Just as quick as they go out into the country on farms they are run off by disguised parties. As soon as their crops are made they are driven off and not allowed to gather them. They are here suffering through the winter because they are not allowed to remain in the country.

Question. How is it about owning land; have your people been able to buy much land?

Answer. Not a great deal. A great many of them have bought as high as a hundred or a hundred and fifty acres, but they have to live as poorly as they can or they will be driven off. Many of them have fifteen or twenty acres each, in different counties, but they cannot go near it.

Question. Suppose they were able to go out into the country and buy what land they could pay for, more or less, and live upon it and cultivate it, what would be their disposition in regard to it?

Answer. It would be to make all they could, and live happily and never interfere with the white people at all. There never has been known in my county any instance where a colored man has attacked a white man. They are just as obedient and humble now as when they were slaves, and in many cases more so, I think.

Question. Do you think there is a pretty general disposition on their part to own land?

Answer. Yes, sir, there is.

Question. Have not a great many of your people molested the white ladies of the country, by being insolent to them, and in some cases ravishing them?

Answer. There never has been any case of that kind in our county. I have heard of it in other counties, but it has never been known in my county.

Question. Do you think there has been any disposition to bring false charges of that character against the colored people?

Answer. I think so. I have heard good, reliable men swear that men who have been charged with such things, in other counties, and punished for it, were entirely innocent.

Question. What is the feeling about allowing colored men to buy or rent land?

Answer. A little over a year ago there was an agreement among the white people not to sell or rent any land to negroes, but they must be hired and have a white man over them on the farm, or they should not be allowed to live in the country. And where one lived by himself he was whipped that year and run off his place.

Question. Have you been around where men were employed at work, and seen how they were treated by their employers?

Answer. I used to do so in my county, but I have not been able to do it for over a year past.

Question. How did employers treat their hired employés?

Answer. I know more here than from anywhere else, for I see those coming in here every day who have been half fed. No matter how hard they might work they would be brought in debt at the end of the year. They do not make enough to pay for what they eat.

Question. How many colored men were in the last legislature?

Answer. Thirty-three or thirty-five, I think.

Question. In both houses?

Answer. Yes, sir.

Question. How many were elected to the present legislature?

Answer. I think nineteen to the lower house and five to the upper house. I think I said yesterday that there were twenty-two elected to the present legislature, but last night I heard of two others.

Question. Were colored men who were in the last legislature re-elected to this legislature?

Answer. Not all; some were.

Question. How much education have you?

Answer. I have none.

Question. Can you read or write?

Answer. No, sir.

Question. How do you get along in the discharge of your duties?

Answer. I have a son I sent to school when he was small; I make him read all my letters, and do all my writing. I keep him with me all the time.

Question. How old is he?

Answer. He was twenty-one on the 8th day of this month.

Question. What is his name?

Answer. William Colby.

Question. Where was he when you were whipped?

Answer. He was here when I was taken out of my house and whipped, and he was here when I was fired at in my house. I put him at the shoemaker's trade, and he has been at it for the last three years.

Question. Have you any property?

Answer. Yes, sir; I have property; I have a house in Greene County.

Question. How did you obtain your property?

Answer. It was given to us by my father, who was our master and a white man.

Question. Were you raised at home?

Answer. Yes, sir.

Question. And he gave you the property when he set you free?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Where did your father come from?

Answer. He was a Northern man, from Connecticut.

Question. This cruel whipping was inflicted upon you in 1869?

Answer. Yes, sir.

Question. I understood you to say that body of men were disguised?

Answer. Every one was disguised.

Question. And that among them there were some colored men?

Answer. Yes, sir.

Question. But the most of them were whites?

Answer. Yes, sir.

Question. Let me ask you this question: was or was not that assault upon you committed for some alleged crime of your own, in your own family?

Answer. It was not.

Question. There was no allegation of that kind?

Answer. None at all.
Question. After you were whipped in this cruel manner, were you reinstated in your place in the legislature?
Answer. I was.
Question. By General Terry?
Answer. Yes, sir.
Question. Did you come up here before your reinstatement?
Answer. I did.
Question. Was this place the headquarters of General Terry?
Answer. Yes, sir.
Question. Was he made fully aware of all the facts? Did you see him?
Answer. I saw him.
Question. Did you see Governor Bullock?
Answer. I did.
Question. I understood you to say that Governor Bullock is the friend you and your people rely upon throughout the State?
Answer. Yes, sir, to this day.
Question. That is your feeling?
Answer. Yes, sir.
Question. Do you know what steps, if any, were taken by General Terry to investigate this outrage upon you?
Answer. I do not.
Question. You do not know of any steps, by any one, to investigate this outrage upon you?
Answer. No, sir.
Question. Of course you are acting with the republican party?
Answer. I am.
Question. Governor Bullock was elected by you in the fall of 1868.
Answer. Yes, sir.
Question. Were not all the State offices filled by members of the republican party?
Answer. Yes, sir.
Question. Either by his appointment or by election?
Answer. Yes, sir.
Question. They were entirely in the hands of your own party?
Answer. Certainly they were.
Question. All the judges throughout the State were appointed by Governor Bullock?
Answer. Yes, sir.
Question. When you were in the legislature did you vote for Colonel Farrow for United States Senator?
Answer. Yes, sir.
Question. And for Mr. Whitely?
Answer. Yes, sir.
Question. Did you not visit Washington in the winter of 1870?
Answer. In the spring of 1870.
Question. You were there, were you not?
Answer. Yes, sir; I was there.
Question. How long were you in Washington?
Answer. About five weeks, between five and six weeks.
Question. Were you before the Judiciary Committee of the Senate?
Answer. No, sir; I did not go before them.
Question. Were you there in connection with the matter of Mr. Farrow and Mr. Whitely taking seats in the Senate?
Answer. Yes, sir.
Question. That was the business that took you on there?
Answer. No, sir, that was not the business that took me on there.
Question. Were you not there on political business?
Answer. Yes, sir.
Question. Did you state there, to eminent gentlemen of the republican party, the story of your wrongs here?
Answer. I did.
Question. Did you state it fully?
Answer. Yes, sir.
Question. Were you made acquainted with any of the publishers of newspapers there?
Answer. Yes, sir.
Question. Did you also state to them the facts in full?
Answer. I did.
Question. Therefore, all the facts in regard to this wrong upon you were well known at that time?
Answer. I stated them to Mr. Forney, I think was his name.

Question. The editor of the Washington Chronicle?
Answer. I think he was.
Question. What was the date of your reinstatement by General Terry; was it not in the winter of 1869–'70?
Answer. I think it was in the spring of 1870.
Question. You went to Washington after you had taken your seat in the legislature the second time?
Answer. Certainly.
Question. The person who had your seat was expelled by General Terry, and you were reinstated?
Answer. Yes, sir.
Question. Who was that person who was expelled?
Answer. A man by the name of Park took my seat after I was expelled.
Question. A white man?
Answer. Yes, sir.
Question. What is his occupation?
Answer. He is a farmer.
Question. Have you ever been before any grand jury whatever?
Answer. No, sir.
Question. Have you ever sought to take out any warrant whatever?
Answer. Never.
Question. You have made no attempt to obtain redress, either in the way of damages to you personally, or by private prosecution?
Answer. I have not.
Question. What was the majority at the last election by which you are now returned to the legislature?
Answer. I think it is between seven and eight hundred.
Question. What is the vote of your county?
Answer. I think there are about nineteen hundred colored voters and seven hundred white voters.
Question. Did you get any of the white votes?
Answer. Some few.
Question. How many?
Answer. I think I got about four.
Question. All the rest were colored?
Answer. Yes, sir; I know I saw two whites vote the square ticket.
Question. Are you sure of any more than those two who voted for you?
Answer. Two more say they did; but I do not know whether they did or not. I saw Henry Weaver and Walter Griffin vote; they voted tickets that I gave them out of my own hands; I saw them vote those tickets. And I heard that two others, Greene Thompson and Bob McQuador, voted that ticket.
Question. What was your father's name?
Answer. John Colby.
Question. From what part of Connecticut did he come?
Answer. I do not know that I can say right now, though he told me a thousand times it was somewhere about New Jersey.
Question. You said you were offered money before you were beaten?
Answer. I was.
Question. Who offered you money?
Answer. Jim Wakefield?
Question. Who is he?
Answer. A citizen of Greensborough.
Question. What is his occupation?
Answer. He is a merchant.
Question. How much did he offer you?
Answer. Twenty-five hundred dollars in money.
Question. Had he the money there?
Answer. He said he could raise it in ten minutes. That was after I was expelled from the legislature. He said, "You see that the republican party have turned you out, as I told you before they would; if you will now join our party, you can make something out of it."
Question. That was to obtain political influence with the people of your color?
Answer. Yes, sir. I said to him that I would not do it. He said, "Come over to the store," and after awhile I went around there. Said he, "Here is $2,500 for you, and you can get $5,000 if you will do it; if you will say you will do it, you can have $2,500 to-day." I said, "I would not do it for all of Greene County."
Question. He is a man pecuniarily responsible?
Answer. Yes, sir; he was wealthy. If I had said that I would do it, I believe I would have got the money. He is a very nice man, and I do not think he has ever done me any injury, though he is a democrat. I am only saying what he said to me.

Question. He said that if you would give your influence in favor of the people he wanted, he would give you this money?

Answer. Yes, sir. He said that the republican party had turned me out, and that the democrats would do so and so for me. I told him that I would not go back on my people for all there was in Greene County, and I did not do it either.

Question. When you were in the legislature, you said your party made efforts to organize colored militia throughout the State?

Answer. Yes, sir.

Question. How many attempts did you make of that kind?

Answer. We tried it the third time.

Question. How many republican votes did that proposition command?

Answer. I do not think we got twenty white republicans to vote for it.

Question. You got all the black votes?

Answer. Yes, sir.

Question. How many colored members had you in both houses of the legislature of 1868?

Answer. It was either thirty-three or thirty-five.

Question. How many in the present legislature?

Answer. I think there are twenty-three or twenty-five.

Question. Ten less in the present legislature than in the legislature of 1868?

Answer. Certainly.

Question. You have been again returned to the legislature?

Answer. Yes, sir.

Question. You say there has been no joint debate in political meetings since the war?

Answer. None in my county, and I know of none in the State.

Question. Was your proposition to organize negro militia throughout the State favored by Governor Bullock?

Answer. I do not know. We did not carry it to him; we tried it ourselves.

Question. You were in consultation with him during the session about particular measures; did he approve that one?

Answer. I believe he would have done it provided it had been passed.

Question. He would have approved the organization of negro militia throughout the State?

Answer. I believe he would have done it if it had passed the legislature. I have two more names that I thought of last night, of men that were in the crowd that whipped me; Dr. William Morgan and Robert Patillo. Those are all the names I now think of, besides those I mentioned yesterday, that I recognized the night they whipped me.

By the CHAIRMAN:

Question. You say that you related to persons at Washington the facts in regard to your treatment?

Answer. Yes, sir.

Question. How did they receive your statements?

Answer. Well, sir, they said I ought to be protected and should be. I went once to General Grant himself, our President, and talked with him. A body of us went together that went from here, and appeared before him; and he said we should have protection.

Question. Did you find any difficulty in making people believe the actual state of things here?

Answer. It was very hard to make them believe it; they could not realize it was so. They did not think the people were so bad as we represented them to be. That was all the difficulty we had in the world. We tried Senator Sherman, and he thought it was impossible that things were so bad as we told him.

Question. Were there people there that made denial of that statement?

Answer. Yes, sir; there were.

Question. You were asked whether you had not been charged with the commission of some crime in your family?

Answer. Yes, sir; I was asked that.

Question. And you said you had not been?

Answer. I have not been.

Question. Do you know that it has been usual, when acts of this kind have been committed, to charge that the men who were wronged, either whipped or killed, have been guilty of some crime or of doing some mean thing or other?

Answer. It is always a common thing, whenever they pick up a man and ill-treat him, to charge him afterward with some crime of which he is not guilty. It is as common to do that as it is to whip him.

Question. The effort is made to blacken his character, in order to excuse their own conduct?

Answer. Certainly. There never was a man who ever said anything to me in my

life in regard to my family. I have tried to treat my family as well as any white person in the world would treat his family, and I have as nice a family.

Question. What family have you now?

Answer. I had two daughters and two sons. One child was killed by the Ku-Klux, as I call it, for she was frightened to death. My wife is dead. I have one daughter living at my place where I go occasionally.

Question. You spoke of a man who took your seat in the legislature after you were expelled. Was he the man that you had beaten in the election?

Answer. Yes, sir; he was the next highest to me.

Question. When the colored men were expelled from the legislature, their seats were given to those men that had received the next highest number of votes in the election?

Answer. That is the way they did it.

Question. You have been asked about General Terry reinstating you. Was that done under an act of Congress?

Answer. Yes, sir; I believe we were reinstated by an act of Congress.

Question. Had General Terry anything to do with it?

Answer. I do not know, only it was said that it was General Terry who put us back into our seats, when the act of Congress itself did it.

Question. You were a member of the last legislature, and are now a member of the present legislature?

Answer. Yes, sir.

Question. State whether if, when Congress passed the law reinstating you in your seats, it had provided that the legislature should hold out its full term until next fall, it would have kept down a great deal of the disturbance that has prevailed in the State since?

Answer. If we had had our term prolonged, it would have saved the lives of hundreds, and we would not have had half the fuss we have had. But this new election has been the death of many a one. We went to Washington to defeat the Bingham amendment, for I knew before I left here that if there was an election last fall, we could not live peaceably here. We have lost many a life since then.

Question. You were asked whether you went to Washington to help Mr. Farrow and Mr. Whitely to obtain seats in the Senate, and you said that was not your purpose. What did you go there for?

Answer. We went there to defeat the Bingham amendment, for we saw it would ruin us if it passed.

Question. How many of you went?

Answer. I believe there were seven of us.

Question. You spoke of a number of your people that were elected to the present legislature. Have any of them been killed since they were elected?

Answer. One has been killed.

Question. Who was he?

Answer. Abram Turner.

Question. Where was he killed?

Answer. He was from Putnam County; he was killed in Eatonton.

Question. When and by whom?

Answer. He was killed by a man by the name of Reed; so it was published.

Question. When was that?

Answer. It was this year; I do not know exactly what time, but I think it was in April. His son is here in town, and I could have asked him if I had thought of it.

By Mr. BAYARD:

Question. Was he shot in the day-time?

Answer. Yes, sir.

Question. In the open street?

Answer. Yes, sir; I suppose so.

Question. You spoke of General Terry reinstating you in your office, and putting you back in the legislature. Who did he appoint superintendent of the qualifications of members?

Answer. A. L. Harris was chairman.

Question. Was there not a man by the name of Colbert who was connected with the railroads of the State?

Answer. There was a man by the name of Hurlburt.

Question. Was he placed on the committee to judge of the qualifications of the members?

Answer. I do not know. A. L. Harris was chairman.

By the CHAIRMAN:

Question. You spoke of a man who was said to have killed Turner; had he had any connection with him in any way; what relation did he stand in to him?

Answer. He ran against him in the election.

Question. And Turner had beaten him?

Answer. Yes, sir. It was said that Turner's son and Mr. Reed were talking on the street, and Reed said something to Turner's son. Old man Turner came along, and Reed said, "There goes the damned old son of a bitch," and he shot him right there.

By Mr. SCOFIELD:

Question. Was Reed a wealthy man?

Answer. Yes, sir.

Question. Has he been arrested?

Answer. He has never been arrested that I know of.

By the CHAIRMAN:

Question. Is Reed expecting to take the seat in the legislature now?

Answer. I suppose so.

By Mr. BAYARD:

Question. How do you know he expects to take his seat?

Answer. I said I suppose so.

Question. Were these facts that have been stated by you stated to you by other people?

Answer. These facts about Mr. Reed?

Question. Yes.

Answer. Yes, sir.

Question. Have you any personal knowledge of them at all?

Answer. I have not, for I was not there.

Question. Do you know that there was no indictment found against him?

Answer. I have said I have not heard of any.

Question. You do not know whether there has been any or not?

Answer. I do not; I only said I have not heard of any. I state the truth as near as I can.

ATLANTA, GEORGIA, *October* 28, 1871.

ROBERT H. BRADFORD sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I will be sixty-one years old to-morrow; I was born in South Carolina, and I now live in Gwinnett County, Georgia; I am a farmer.

Question. When did you leave Gwinnett?

Answer. Last Sunday.

Question. You were subpœned to come here?

Answer. Yes, sir.

Question. Have you any people in Gwinnett that they call Ku-Klux?

Answer. Well, I am not able to say. What kind of people do you call Ku-Klux? Explain that, and maybe I can tell.

Question. I am not speaking of what I call Ku-Klux; I am asking you about those that the people in the country call Ku-Klux.

Answer. I never saw one in my life.

Question. Have you heard of their going about?

Answer. O, yes, sir; there is a heap of talk about that.

Question. Have you a colored man working for you by the name of Ben?

Answer. Yes, sir; Ben Pullam.

Question. Have you seen any man that had a uniform or disguise, or a horse-cover?

Answer. Never in my life.

Question. Did you ever go home from church with any man that you supposed, or had any reason to think, might belong to this company?

Answer. The Ku-Klux party?

Question. Yes.

Answer. No, sir.

Question. How long ago did you hear of them in your county.

Answer. Well, I declare I do not know how to answer that; it may be a year ago or more; I do not recollect.

Question. What is it reported that they do when they go about over the country?

Answer. It is reported that they take up and whip some people.

Question. What sort of people do they whip?

Answer. Different sorts; white and black both.

Question. Have they ever been on your place molesting your colored people?
Answer. They never have.
Question. How many go in a crowd, so far as you have heard?
Answer. I have heard that fifty and sixty, &c., go together; but as to my knowing, I do not know anything about it; hearsay is not proof at all.
Question. Who is represented to be, or supposed to be, the leader of the company?
Answer. I do not know.
Question. Did you never hear the name of any person mentioned as the leader?
Answer. No, sir.
Question. Did you ever hear anybody say that he belonged to it?
Answer. No, sir; I never did in my life.
Question. What is the feeling of your people in regard to these folks?
Answer. The general opinion is that they ought to be put down.
Question. Have any efforts been made to put them down?
Answer. None at all that I know of.
Question. Are there any people in your neighborhood, or within your knowledge, that would oppose putting them down?
Answer. I do not think there are.
Question. You think there is nobody who is willing to acknowledge that he is friendly to them?
Answer. No, sir; not in my settlement.

By Mr. SCOFIELD:

Question. Does anybody there dare to denounce them much?
Answer. Yes, sir; there are plenty of good citizens there, if they had anybody to go ahead and get the proof.

By the CHAIRMAN:

Question. Do they talk openly and publicly about it, or merely privately?
Answer. It is rather a private talk.
Question. Then, as I understand it, these people have been going about your county for a year, in numbers of fifty or sixty, more or less, in disguise and at night, whipping colored people and white people; all the people are opposed to them and want to see them put down; there is nobody willing to openly befriend them, and yet no effort has been made to suppress them?
Answer. No, sir; nothing has been done at all.

By Mr. LANSING:

Question. Can you tell why, this feeling being so strong against them, some open determined effort has not been made to suppress them?
Answer. No, sir, I cannot tell that; I do not know why.
Question. Is is not because they have with them the sympathies of the dominant political party?
Answer. Well, I cannot answer that generally; I can say for my own part it is not.
Question. So far as your own feelings are concerned?
Answer. Yes, sir.
Question. But do you not believe that is the reason why they are not suppressed?
Answer. Well, I do not know whether that is the cause or not.
Question. I ask for your opinion.
Answer. My opinion is that it looks reasonable to suppose that is it.
Question. Those men who speak against the organization do it in a quiet way among themselves, do they not?
Answer. O, yes; that is generally the case.
Question. Is it not true that they dare not openly denounce them?
Answer. I do not know whether they dare or not; I do not think there is any regular organized party of them in our county at all.
Question. Nobody has been interfered with in your county for speaking against them?
Answer. Not that I know of.
Question. Do you believe that a republican could go into your county, hold public meetings, freely and fairly discuss the principles of his party, and with reasonable zeal oppose the principles of the democratic party, and still be undisturbed?
Answer. I think he could. I do not think he would be disturbed at all.
Question. Do you mean that a republican who lives in your county could regularly and habitually do that without interference?
Answer. I do. I do not think he would be interfered with in any shape or form.
Question. Do you believe that a resident freedman could do it?
Answer. I hardly think a freedman could; but a white man can do it. There are very few freedmen in our county in comparison with other counties.
Question. Is there a democratic paper published in your county?

Answer. Yes, sir.

Question. What is the tone and temper of that paper in regard to these outrages?

Answer. It does not say anything for or against them, and never has.

Question. Do you believe that a paper could be sustained and live in your county if it openly denounced these Ku-Klux?

Answer. Yes, sir; it could.

Question. Do you believe it would be interfered with?

Answer. No, sir; I do not think it would be interfered with.

Question. Do you believe it would be sustained by the democratic party if it did so; I mean in the way of patronage?

Answer. Yes, sir; I think it would.

Question. Are you a democrat or a republican?

Answer. I am neither. I was a Union man until the war, and I am nothing since. I did all I could for the Union until I could not do anything more, and then I give out.

Question. Have you ever been interfered with?

Answer. No, sir; there has been nobody interfered with in my settlement, either white or black, nigher than a mile and a half. They did send word by a black woman that they were coming to my house.

Question. Do you mean by "they" the Ku-Klux?

Answer. I suppose so. Some have been whipped occasionally a mile and a half from me.

Question. What was the word sent to you?

Answer. If the woman told the truth, it was that they were coming to pay us a visit.

Question. What reason had they to do that?

Answer. God knows; I have no idea—not a grain.

Question. They have not done it yet?

Answer. No, sir.

Question. Do you know any of the witnesses here before the grand jury?

Answer. No, sir. There has been no person here at all out of my settlement except one boy that was whipped.

Question. Do you know whether any one has been reproached for having been here before the grand jury?

Answer. Not so far as I know.

Question. Do you know anything about the burning of the court-house?

Answer. I know it was burned.

Question. Who burned it, did you understand?

Answer. There are different opinions about that thing. Some say the Ku-Klux burned it, and some say private individuals.

Question. What is your opinion about it?

Answer. I am not able to extend my opinion that way. I was not within thirty miles of it.

Question. What is the prevailing opinion in your county?

Answer. That it was done by private individuals who had some bad case in court.

Question. Were not those cases connected with these outrages?

Answer. I do not know whether they were or not.

Question. You say there is an opinion on the part of some that it was done by the Ku-Klux?

Answer. Yes, sir.

Question. Have you not understood that the cases those private individuals wanted to get rid of by burning the court-house originated in this Ku-Klux organization?

Answer. I think I have heard some such chat as that, but I do not know anything about it.

Question. Is your county largely democratic?

Answer. Do you mean taking black and all together?

Question. Yes.

Answer. It is about one-fifth, I think, taking blacks and all.

Question. The democrats have about one-fifth majority?

Answer. Yes, sir.

Question. How do you vote yourself?

Answer. Since the war I hardly vote at all.

Question. Why not?

Answer. I was a Union man, as I told you before, but I effected nothing. So I and several of my neighbors concluded to let the thing lie after the war.

Question. Has not your disposition to keep still and not vote originated from the great opposition there is to those who vote the republican ticket?

Answer. The reason I did not vote was because I could not have any effect by voting the Union ticket.

Question. Do you mean since the war?

Answer. I have not had much to do with it since the war.

Question. It has not been because of the odium attaching to those who vote the republican ticket?

Answer. No, sir.

Question. Why has it been that you have not voted?

Answer. As I told you, it was because I could not effect anything by voting the Union ticket before the war.

Question. I am speaking of since the war.

Answer. Because I could not effect anything; one vote is not much any way.

Question. Because there was a hopeless majority against you?

Answer. Yes, sir.

Question. Is there not a great deal of scorn and contumely heaped upon men who vote the republican ticket; the radical ticket as it is called?

Answer. No, sir; I do not think there is. I have some as good neighbors as ever lived or died of that sort.

Question. And who vote that ticket regularly and fearlessly?

Answer. Yes, sir; and they are thought to be good, clever citizens by everybody else.

Question. Did you ever hear of any republican or radical being a Ku-Klux?

Answer. I do not know any Ku-Klux of any sort.

Question. Is it not understood that they are all democrats?

Answer. I have never heard that in my life. I do not know anything about that.

Question. Is it not understood that they have a political purpose and object in their organization?

Answer. Well, I cannot answer that.

Question. Is not that your belief?

Answer. It may be my opinion, but I cannot answer to it more than that.

Question. That is all we ask, your opinion.

Answer. It seems like it runs that away. My object is to stay at home and attend to my own business, and that is where I want to be now.

By Mr. SCOFIELD:

Question. How many of these whippings do you suppose you have heard of, from the beginning, in your county; that is, heard of sufficiently to believe the statements to be correct?

Answer. Do you mean in my county?

Question. Yes; I mean all those done at night and by men in disguise.

Answer. Well, I am studying; I do not want to make any wrong statement, if I know it.

Question. We do not want you to do that; we want to get at the truth.

Answer. Around on the Walton line and the Jackson line there have been several; but no more than two or three in our county. There was a white fellow whipped there that was a democrat, and he never got a lick amiss, unless it missed him. His name was Dougherty. He sold goods there, and he insulted almost every woman that went there, and finally tried to pull a decent girl over the counter. He said he could do what he pleased with all who went there.

Question. Do you think that these bands, who you say numbered from fifty to sixty, when they ride about come from another county?

Answer. I do.

Question. From a distance?

Answer. Yes, sir; I do not think they are from my county.

Question. You say you do not think they are organized in your county; what you mean is that they come from another county?

Answer. That is what I mean; I do not think there is any in our county.

Question. Do you think they are organized in the county they come from?

Answer. I do not know.

By the CHAIRMAN:

Question. You say they whipped a white man who sold goods there?

Answer. Yes, sir.

Question. What do you say he had done?

Answer. He tried to pull decent girls over the counter and screw them, saving your presence; and he ought to have been whipped.

Question. Did he seduce any of them?

Answer. He said he did.

Question. And it was known that he tried to force some of them?

Answer. Yes, sir.

Question. How many?

Answer. Well, the whole settlement pretty nigh. He said he could seduce any girl.

Question. How much of a whipping did they give him?

Answer. It was said they gave him a good whipping.
Question. How many blows did they strike him?
Answer. I do not know; I did not live within twelve or fourteen miles. He was a democrat, but he has left the settlement.
Question. How long did he stay after he was whipped?
Answer. Not but a little time.
Question. What became of his goods?
Answer. I do not know. He went out of the settlement, and any man who will act that way ought to be whipped.
Question. Why did they not arrest him and try him?
Answer. I do not know.
Question. You have laws against such conduct?
Answer. We ought to have, but I do not know why they do not do it. That was right down in the corner next to Jackson and Walton.
Question. They did not shoot him or hang him?
Answer. O, no.
Question. They whipped him, and he went off?
Answer. Yes, sir.
Question. He was a white man and a democrat?
Answer. Yes, sir.
Question. Suppose he had been a radical, either a white man or a black man, who had done any such a thing, do you think they would have let him off with whipping him?
Answer. I do not know.
Question. Do you not suppose he would have been put to death?
Answer. I do not think they would have done anything worse than they did to him.
Question. That is your opinion?
Answer. Yes, sir; that is all I can say.

By Mr. BAYARD:

Question. When this rascal was whipped, did every decent man in your community say amen to it?
Answer. He did.
Question. That is the feeling of your people in regard to such crimes, no matter who commit them?
Answer. Yes, sir.
Question. I understood you to say that you never saw a man in disguise in your county: that you never saw a disguise, and that you had not a particle of personal knowledge on the subject of these raids?
Answer. No, sir.
Question. Therefore, when the chairman asked you whether he was to understand from you that these crimes were to be ascribed to them, I ask you if he could have understood any such thing?
Answer. I do not know anything at all about it.
Question. Let me ask another question about your people; you have been a long time in that community?
Answer. All my life.
Question. You know the community well?
Answer. Yes, sir.
Question. Since the time of emancipation have there been cases of colored people working land on shares for others?
Answer. Yes, sir.
Question. So far as your knowledge extends in such cases, is there a fair and just settlement with those colored tenants, in regard to the crops, by the owners of the land.
Answer. There is.
Question. Is there a good feeling between the white people and the black people in your settlement?
Answer. Yes, sir, if they behave themselves.
Question. Have you known cases of imposition by white landlords upon their tenants?
Answer. No, sir; they all get along well; they get the same as white people.
Question. They are treated as kindly?
Answer. Yes, sir.
Question. When elections come do they vote?
Answer. Just as freely.
Question. You say that you were a Union man, but you do not care to cast your vote now?
Answer. No, sir.
Question. There is no intimidation to prevent you?
Answer. No, sir; I could vote as free as I wish.
Question. You do not go to the polls, and others who were Union men with you do not care to go the polls?

Answer. No, sir.
Question. Other white men who were members of the republican party have gone to the polls and voted freely?
Answer. Yes, sir.
Question. Have you had republican addresses in your county?
Answer. Yes, sir.
Question. Have you ever had a joint discussion of politics there.
Answer. I do not know; I do not go out to meetings, and I do not recollect that fact.

By the CHAIRMAN:

Question. You have heard no colored man complain of ill usage or unfair treatment?
Answer. No, sir; I have had Ben Pullman four years, and I have treated him well and think well of him, and if he will behave himself I will still think well of him.
Question. Have none of them ever complained to you of ill treatment?
Answer. No, sir.

ATLANTA, GEORGIA, *October* 28, 1871.

JOHN HILL sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.
Answer. I am about thirty-six years old. I was born in Cobb County, but I was raised in Gwinnett County, and now live in that county. My occupation is principally farming.
Question. What is the county-seat of your county?
Answer. Lawrenceville.
Question. Do you recollect the night when the court-house there was burned?
Answer. I do; I recollect that night distinctly.
Question. When did you first hear that the court-house was burned?
Answer. Early on Monday morning.
Question. It was burned Sunday night?
Answer. Yes, sir.
Question. Did you see any men in disguise passing your house?
Answer. I did not.
Question. Did you see any men passing your house that morning?
Answer. I did not; I did not live right on the public road.
Question. Do you keep liquor for sale?
Answer. I do not follow that business; I have had some for sale.
Question. Did any of these disguised people ever get any liquor from you?
Answer. Not that I know of; not any disguised men.
Question. Did anybody get any liquor from you the night the court-house was burned?
Answer. Yes, sir.
Question. Who were they?
Answer. A young man by the name of Hill, my own name.
Question. Is he any relation to you?
Answer. Yes, sir.
Question. What quantity did he get?
Answer. He got about a pint.
Question. Are there such persons in your county and in your neighborhood as are called Ku-Klux?
Answer. Well, I think there are.
Question. Have you ever seen them going about?
Answer. I never have.
Question. Have you heard anybody say that they belonged to it?
Answer. I have.
Question. How many have you heard say that?
Answer. I have heard two say it.
Question. Who were they?
Answer. Mr. William Patrick and Mr. Fred. Patrick.
Question. What did they say about it?
Answer. They said they belonged to the concern; to the Klan.
Question. Did they say who else belonged to it?
Answer. No, sir.
Question. Did you ask them any questions about it?
Answer. I did not.
Question. How came they to tell you that?

Answer. Well, we were talking about this Ku-Klux organization, and they seemed to think it was a considerable thing, or something of the kind. This Fred. Patrick, a young man, was drinking at the time he said it.

Question. Did they both speak of it at the same time or at different times?

Answer. At different times.

Question. How did the other one happen to speak of it?

Answer. He told me he was going to join the Ku-Klux.

Question. What sort of an organization do you understand it to be?

Answer. The impression I have had is that it is rather political.

Question. What were the politics of those men who spoke to you about it?

Answer. They were democrats.

Question. Did they tell you anything that the organization did; any of their doings or operations?

Answer. No, sir.

Question. Do you know whether they have different companies that they call dens?

Answer. I do not, any more than there has been different caves found in the settlement, not far from where I live; different holes dug in the ground.

Question. What sort of holes?

Answer. They call them graves; holes dug in the ground with a box in them.

Question. Did you ever see them?

Answer. I have not; I could have done it, for there was one but a few yards walk from where I lived.

Question. How many of those holes have you heard of?

Answer. Two.

Question. Is it understood that the different dens have some sort of connection with each other?

Answer. I cannot tell.

Question. Is it understood that they have any connection with similar organizations in other counties in the State?

Answer. I do not know.

Question. Have you ever seen any of the disguises that they wear?

Answer. I never have. I could have seen some of the covers they lost off their horses at Mr. Fowler's and Mr. Spencer's the same night the court-house was burned, but I did not go to see them.

Question. How far is that from you?

Answer. It is about two miles to Mr. Fowler's; it was supposed they lost them.

By Mr. BAYARD:

Question. How old is this young man Hill, your kinsman?

Answer. He is nearly twenty years old.

Question. Is he under twenty?

Answer. Yes, sir.

Question. Was he just in his ordinary clothes when he came and got this pint of whisky?

Answer. Yes, sir; he was.

Question. What time of the evening was it?

Answer. About dark; it was a pint of brandy.

Question. How old was this young Patrick that you say was drinking?

Answer. About twenty years old.

Question. Was he pretty drunk at the time he made the statement?

Answer. He was.

Question. What did he say about it?

Answer. He said, talking to his brother, "I have joined the Ku-Klux Klan. I have been sworn in."

Question. And his brother said after that that he was going to join it?

Answer. His brother talked with me about it before that and since that.

Question. Did he ever tell you he had joined it?

Answer. Yes, sir.

Question. Those two young men are in your neighborhood?

Answer. They live in the Cains district.

Question. That is all you know upon the subject?

Answer. That is as far as I know, only some threats they made to myself, but I did not regard them at all.

Question. You have never been disturbed by them?

Answer. No, sir; no more than they have threatened me; I have never been visited by them.

Question. You have never seen any of these people at all, or any of their disguises?

Answer. I never have.

Question. You have no knowledge on the subject except what you have stated here?

Answer. I have not.

By the CHAIRMAN:

Question. What threats have they made about you?

Answer. Well, they have threatened to give me the lash.

Question. How did you get information of that?

Answer. I got it from my sister.

Question. Do you know how she got it?

Answer. She heard them talking traveling along the road.

Question. Did she tell you who they were?

Answer. Yes, sir.

Question. Who were they?

Answer. Mr. Mark Ellison and Mr. William Robinson.

Question. Did she understand what they had against you?

Answer. They accused me of being a radical.

Question. Was the accusation true?

Answer. I voted for Grant for President at the election.

Question. And for that they have threatened to whip you?

Answer. I do not know that it was for voting for Grant particularly, but it was for being a radical.

Question. What are the politics of those men who made the threat?

Answer. They are democrats.

Question. How long ago has that been?

Answer. It was last winter; I cannot tell you exactly how long ago.

Question. Was it before your last winter's election or after?

Answer. It was after the election.

Question. Did you vote at that election?

Answer. I voted the democratic ticket.

Question. Why?

Answer. Well, sir, I did not know that it would be safe to vote any other. I have always voted a mixed ticket.

Question. I understand that you are a republican in your political sentiments?

Answer. I am, sir.

Question. But you thought it would be the safest for you to vote the democratic ticket last winter?

Answer. I did.

Question. I wish you to tell us whether you suppose that you are liable to any interruption in any way by reason of coming here to Atlanta and giving your testimony.

Answer. Well, I do not know that I really am, from the fact that I was subpœnaed to come here; if I am liable to it I do not know it.

Question. Suppose you had come here voluntarily, without being subpœnaed?

Answer. My impression is, without knowing anything about it positively, that I would be in a little danger.

Question. Do you know any other republicans or radicals who, like yourself, voted the democratic ticket, thinking it would be the safest for them?

Answer. I think my father did the same thing.

Question. What is your father's name?

Answer. Joshua Hill.

Question. What is your occupation?

Answer. My principal occupation is farming; but I have been attending to my father's stallion-horse in the spring season for the last three years. When I am relieved of that my occupation is farming.

Question. Are you the son of Senator Joshua Hill, who used to be in Congress?

Answer. No, sir; I am the son of Joshua Hill, of Gwinnett County.

Question. You know by reputation the man I allude to?

Answer. Yes, sir.

Question. Do you know of any other persons in the neighborhood who voted the democratic ticket through fear?

Answer. I cannot certify to any.

Question. You have heard none of them say anything about it?

Answer. No, sir.

By Mr. BAYARD:

Question. Were those gentlemen in disguise on the road that your sister overheard making these threats against you?

Answer. No, sir.

Question. To your knowledge, are they members of this organization?

Answer. I do not know that they are.

ATLANTA, GEORGIA, *October* 28, 1871.

B. H. TRUE sworn and examined.

The CHAIRMAN. As this witness has been called at your instance, Mr. Bayard, you will please begin his examination.

By Mr. BAYARD:

Question. Where do you reside?
Answer. In Madison, Morgan County.
Question. How long have you resided there?
Answer. I came there in November, 1865.
Question. Have you been living there ever since?
Answer. Yes, sir.
Question. Where were you born?
Answer. I was born in the county of Monroe, New York.
Question. Were you in the United States Army?
Answer. I was.
Question. What was your rank in that Army?
Answer. I was a lieutenant.
Question. In what regiment?
Answer. The One hundred and thirty-sixth New York Volunteers.
Question. Did you serve through the war?
Answer. Yes, sir.
Question. Where were you when the war closed?
Answer. I went home; my home was in Lyman, near Rochester, New York. I remained there through the summer, and came to Georgia in November, 1865, I think. I came to Atlanta.
Question. You had then left the Army?
Answer. Yes, sir.
Question. Did you then go down to Morgan County and settle there?
Answer. I did.
Question. In what business did you engage?
Answer. In farming.
Question. Did you buy or rent a farm?
Answer. I bought one.
Question. Will you state what has been your reception by the people of Georgia since you came among them?
Answer. It has been friendly.
Question. And kind?
Answer. Yes, sir.
Question. Have you been successful in your farming operations?
Answer. I have been as successful as I could be under the circumstances.
Question. As successful as your neighbors?
Answer. Yes, sir; more so.
Question. Have you found among the people of Georgia that your being a Northern man, and a Union soldier, has stood in your way and prevented your success in any way at all?
Answer. I have never been able to detect it.
Question. Have you met with rudeness or insult, because of your having been a Union soldier and a Northern man, since you came here?
Answer. Never.
Question. Have you been constantly employed with your farming arrangements there; have you been busy with them?
Answer. Yes, sir.
Question. What hands have you employed?
Answer. Mostly negroes; I have had some poor whites, and some laborers from the North.
Question. You have employed negroes chiefly?
Answer. Yes, sir.
Question. Are your relations with your neighbors around you those of the usual social courtesy that exists in the Northern states?
Answer. Yes, sir; so far as I have courted their society.
Question. What is the condition of those colored people employed by you and by farmers around you; are they generally contented?
Answer. They seem to be.
Question. So far as you have been able to observe, what is the general treatment they receive?
Answer. It has generally been good. I have heard of little disturbances occasionally, but never of that character that amounted to anything.

Question. So far as you have been able to observe, is the temper of the white men of Georgia fair and kind toward the colored people employed by them?

Answer. I think it is with all the intelligent people. I know there are some exceptional cases, but they are ignorant men, generally speaking, and in isolated places. So far as my observation has gone with the intelligent people, I know them to be fair. I have been an officer of the State Agricultural Society for three years or more; I helped to reorganize that body, and I have probably been as intimately connected with the prominent men of this State as most any other man in my position.

Question. You are therefore enabled to speak as to the condition of things in the State?

Answer. I think so.

Question. Outside of your own immediate personal operations as a farmer?

Answer. Yes, sir.

Question. Do you know of cases through your country where colored men rent land on shares, to return a portion of the products to the land owner?

Answer. Yes, sir; it is quite customary with farmers, though part of the farmers pay standing wages.

Question. Do you know cases where colored men take land on that system?

Answer. Yes, sir.

Question. Do you know that, as a rule, the settlements made by the land owners with those people are justly and fairly made?

Answer. So far as I know, they are. I can state this much, that I have never yet had a settlement with the hands upon my farm but what I have had trouble. I take it for granted that Southern men have had the same trouble, and that it has probably originated in the same way. Of course, I have no means of knowing definitely, but I take it for granted. The negroes are ignorant, and they are always inclined to be suspicious; although a person may try to do justice by them, I do not think they appreciate it. That is my experience, and it has invariably been so. The more I have tried to reason with them, and to show them the whys and wherefores, I have only made it worse. Still, I have got along very well; I have no particular fault to find, only that they are in that fix, and I cannot help it. I have now hands that I hired when I first went there.

Question. Then there are differences between them, growing out of these causes?

Answer. Yes, sir.

Question. And complaints of their employers growing out of their suspicions?

Answer. Yes, sir. I think that, as a general thing, the complaints are groundless. There may be exceptional cases; I would not say that there are no cases of unfairness on the part of white men.

Question. That is, the usual amount of human injustice everywhere, I presume?

Answer. Yes, sir.

Question. What would be the general public opinion in Georgia of the white man who would wrong a negro in respect to his share of the crops?

Answer. I think it would be exactly the same that it would be in my own town at home. I speak of what I know, of the good solid men in our county. I do not honestly think they would uphold or sustain any such conduct. I have been unacquainted with the courts, but I think I speak intelligently upon that point.

Question. In the course of your residence here in this State, have you visited the courts of justice and seen them in operation?

Answer. Yes, sir.

Question. Do you believe that the administration of justice in Georgia is reasonably fair to all men of all classes?

Answer. Well, I think it is, so far as my own county is concerned. I have never seen anything in any of our courts there that I could make an exception to. Of course, I cannot speak for all parts of Georgia.

Question. Suppose a negro was really wronged by his landlord in a settlement, and should bring his case before the courts of your county, do you believe he would have justice done him by the judge and by the jurors?

Answer. I think that cases of that kind have occurred, where the negroes have brought their complaints before the courts, and I have never heard of any trouble on that score. I think they have always been fairly dealt with; at least there has been no complaint to my knowledge but what the courts have done as fairly by them as by white men.

Question. Now, in regard to personal quarrels and conflicts, if any man, white or black, is the victim of an unlawful assault, whereby his person is endangered, would he have a chance in your courts there to punish the perpetrator, or to recover civil damages for any injuries he may have received?

Answer. There might be cases where he could, and there might be cases where he could not; I could not say as to that. But I know there never has been any trouble on that score.

Question. In your opinion, would he have as good a chance here as in New York?

Answer. I think so. But, let me state here now, I do not care how friendly I might be toward the negro, I find that there is a natural antagonism against the race. I know it is so with myself, although I was brought up in New York. I probably feel as friendly toward them as anybody can, but there is an antagonism which we all have against the race; that I cannot get rid of; I do not believe any man can. Still, I think if I was in a court of justice and sworn to uphold the laws, that antagonism would have no effect upon me.

Question. Do you believe that the people of this country have more of that feeling of antagonism than you have yourself?

Answer. No, sir; and in some cases I do not think they have as much. I have seen cases where they were very forbearing, where I hardly could be so. That probably grows out of their loose and slack way of doing business, whereas a northern man would complain of it, brought up as he has been to do business strictly. I know it has been so repeatedly on our farm, and where I could hardly stand it.

Question. Southern men bear with the delinquency of negroes more than you think northern men would?

Answer. I think so.

Question. In regard to public elections, is voting by men of all classes and colors free and unrestrained, according to law?

Answer. In our town they have always voted without trouble; there has never been any unfairness that I heard of.

Question. On either side?

Answer. On either side.

Question. You have had six years experience with colored people here?

Answer. Yes, sir.

Question. You have employed them yourself, and have seen them in the community?

Answer. Yes, sir.

Question. What is your opinion or belief in regard to their reliability or otherwise, in their statements of facts, either as witnesses or otherwise?

Answer. I do not have much confidence in them; I do not honestly believe that they know when they are telling the truth. They have an indifferent way of talking and of dealing; I know it is so, so far as business on the farm goes. I think they feel as little unconcerned about it as possible. I have seen intelligent negro men who knew what they were about; but, as a general thing, I do not believe it is so. This experience goes through all the details of farming, from one end to the other, their reliability in work, their reliability in statement, and everything of the kind. I have come to the conclusion that there is no dependence in them. From one end of my plantation to the other, there is nothing kept except under lock and key. I do not believe there is a negro man on my plantation that I would trust to do anything where it required the utmost confidence.

Question. Do you believe that, without their being intentionally inaccurate in their statements, from their mental characteristics they are very unreliable in their accounts of transactions and things of that kind?

Answer. That is generally the case.

Question. I understand you to say that the county of Morgan is as peaceable and contented a community as any on earth?

Answer. Yes, sir; there have been two or three little disturbances since I have been there; whipping a negro once or twice, I believe, but nothing that made any stir. Aside from that, it has been as peaceable as any place I ever saw.

Question. You grew to manhood in New York, and have lived here since?

Answer. Yes, sir.

Question. I will ask you whether, from six years experience in Georgia, you do or do not consider this State now as peaceable and orderly as the State of New York?

Answer. So far as my experience goes, it is just as peaceable, and I feel just exactly as safe in my town as I would in New York.

Question. Would that be the case with any decent, respectable man of any politics?

Answer. I think so. We have in our county about forty families from the North, and some of them are men who are as radical as men can be; and there are democrats there from the North. I have never heard of anybody being interfered with. They have always gone to the polls and voted, and nobody has said aught against them.

Question. And the expression of political opinion there is as free on the one side as on the other?

Answer. I do not know that that really is the case, because as a general thing the disposition of the southern people is to think and talk more about politics than our people North. The people who come here from the North come for other purposes; there is not so much stress laid by them upon political matters, as I know is the case with my southern neighbors. But that comes from the way they have been educated in these matters.

Question. You mean that southern people are more of politicians than northern people are?

Answer. I think so.

Question. You say that there are in your county some forty northern families of different politics, some of the one party and some of the other, and that they equally enjoy their privileges of speaking and voting, one as much as the other?

Answer. I think so.

Question. Do you think there is any discrimination against any of them because of their politics?

Answer. I do not believe there is a bit.

Question. Do you believe northern people would be welcomed here and received as fellow-citizens if they would come and settle themselves down here, without respect to politics?

Answer. That has been the case there. I do not believe there is one out of the forty there who would not bear testimony the same way.

Question. The same as you do?

Answer. Yes, sir. If there is one among the number who would state differently, I have not yet heard of it.

Question. Do you believe that the sentiment of the people of Georgia and the laws of the State of Georgia are sufficient for the protection of person and property within her borders?

Answer. I think so.

Question. That is your experience in the State?

Answer. Yes, sir. I think that I would have just as much confidence in the court and jury of our town, provided it had intelligent people upon it, as I would have in my own town at home, that I would have justice done me.

Question. And you think that would be the case with any other man of your character and standing without regard to his political affiliations?

Answer. I do.

By Mr. LANSING:

Question. How much land did you purchase when you went to Morgan County in 1865?

Answer. I bought twenty-two hundred and sixty acres.

Question. Have you that amount now?

Answer. No, sir.

Question. How much of that land do you now retain?

Answer. I have sold off all but two hundred acres of it.

Question. Did you for the time work the whole twenty-two hundred acres?

Answer. Yes, sir.

Question. How many men had you then in your employ?

Answer. I think that the first year we had from forty to fifty, little and big.

Question. And most of them colored?

Answer. Yes, sir.

Question. When did you sell off your land?

Answer. I think we ran the plantation two years as a whole, and then sold part of it off.

Question. So that you now retain for yourself individually this two hundred acre farm?

Answer. Myself and brother.

Question. Are you a married man?

Answer. No, sir.

Question. Is your brother a married man?

Answer. No, sir.

Question. Have you yourself participated in politics to any extent since you came into this State?

Answer. No, sir; I have not.

Question. Have you voted?

Answer. I believe I have voted once.

Question. When was that?

Answer. I think it was for the constitutional convention, if I am not mistaken.

Question. How did you vote?

Answer. I voted the republican ticket.

Question. You have not voted since?

Answer. No, sir.

Question. That was soon after you came down here?

Answer. Yes, sir; I think it was, though I will not be quite positive.

Question. Did you vote in 1868?

Answer. No, sir.

Question. You took no part in the presidential election?

Answer. No, sir; I think I was away at that time.

Question. Did you vote last year?

Answer. No, sir.
Question. You took no part or interest in that election?
Answer. No, sir.
Question. Did you go to the polls?
Answer. Yes, sir.
Question. But you did not vote?
Answer. No, sir.
Question. Why not?
Answer. I did not feel as though I wanted to vote.
Question. What is the proportion of whites and blacks in your county?
Answer. I think there are some eleven or twelve hundred black voters and some five or six hundred white voters in the county, but I will not be positive about it.
Question. Did you take any interest in politics before you came south?
Answer. No, sir; I never voted but once north.
Question. What is your age?
Answer. I am twenty-eight years old.
Question. You say you did not feel as if you cared to vote?
Answer. No, sir.
Question. Why not?
Answer. I did not believe it would help the cause one way or the other; in fact, I did not care to vote.
Question. Will you tell me frankly whether this was the reason—that you thought it best, on the whole, for your interest not to vote?
Answer. My object in not voting was really what I have stated; as I have told a great many people in the county, I thought they put a great deal too much stress upon political matters; that I thought political matters were being run into the ground, and that it took away from the prosperity and industry of the country.
Question. Now, to come right back to my question; let us have an answer that is an answer, and an answer which I have no doubt you are entirely willing to give. Did you not refrain from voting because you thought it best not to vote, for your interest as a northern man settling there and living upon and working your farm?
Answer. No, sir; I had no such idea.
Question. What did you mean by saying that they put too much stress upon politics?
Answer. Because people were getting up a great deal of excitement about political matters.
Question. Right there now; you refrained from voting to avoid being mixed up in that excitement?
Answer. Yes, sir; I did not want to have anything to do with it.
Question. You believed that your way of life would be more quiet and your interests better subserved by refraining from taking any part in politics?
Answer. Yes, sir.
Question. Was it not because you wished to avoid the odium of voting the republican ticket?
Answer. No, sir.
Question. What do you mean by avoiding political excitement?
Answer. I came there for some other purpose.
Question. And you felt that you would get along best with your neighbors—the people of the South—by not voting?
Answer. No; I did not.
Question. Was there anything about this excitement that you wished to avoid because you dreaded it?
Answer. No, sir.
Question. Tell us more distinctly what you mean by avoiding this excitement.
Answer. I do not know that I could give any better explanation than I have already done. It was an excitement that I did not care to have anything to do with, or to mingle in, and consequently I did not vote.
Question. You did not vote because you wanted to avoid that excitement. Do you mean to say that no degree of reproach or disfavor attaches to a radical among his democratic neighbors by reason of his regularly voting the radical ticket?
Answer. It would not to me.
Question. I speak in general terms; do you mean to say that, in the community where you live, no degree of reproach or disfavor attaches to a radical because he votes regularly the radical ticket at every election?
Answer. You are speaking of northern men?
Question. Yes.
Answer. So far as I know, it has not, because there are men who came from my own State who live close to me——
Question. Do you mean to say that no degree of disfavor attaches to either a southern or a northern man who regularly and openly votes a radical ticket?
Answer. I do not think any such disfavor has attached to anybody, to my knowledge.

Question. Suppose that you had gone down there as you did, and had taken some interest in politics on the radical side, and these southern people who you say attach so much importance to politics had been on the other side, do you think you would have been met with the same cordiality as now?

Answer. I would have been treated just the same; I would have been just the same as I am now; my name would have been B. H. True; I would have been there just as I am now.

Question. You would be received and treated just as cordially?

Answer. Yes, sir.

Question. Suppose that a freedman had exercised the same activity in politics in that community as those southern men who give so much time to politics, and put so much stress on it, as you say, would he have been equally as well treated?

Answer. I do not think he would.

Question. Are you quite sure that the white man would have been equally as well treated?

Answer. Yes, sir.

Question. Have you heard of no instance of the ill-treatment of white radicals in your county?

Answer. I do not remember that I have. I might have heard some remarks about them, but as for anything that would be considered anything beyond a remark that one politician would make against another, I do not think I have heard of anything.

Question. Have you heard of the ill-treatment of any blacks there?

Answer. No, sir.

Question. Did you know of the breaking open of the jail of your county and the shooting of a colored man there?

Answer. Yes, sir.

Question. When was that?

Answer. I do not remember the date; it was a few weeks ago.

Question. Do you know whether there has been any attempt to bring the men who did that to trial and to justice in the courts?

Answer. All I know is that there was an investigation held, and the verdict of the coroner's jury was that he came to his death by a person or persons unknown.

Question. Have you ever heard of any arrests having been made for that offense?

Answer. No, sir; I do not think there has been any arrests made.

Question. Did you understand that that was done by an organized body of men?

Answer. No, sir.

Question. Have you heard of any Ku-Klux organization in your county?

Answer. No, sir.

Question. Have you heard of any raids or acts in your county that are imputed to them?

Answer. O, yes.

Question. How many?

Answer. I think this one, and two others previously.

Question. You mean previous to this attack upon the jail?

Answer. Yes, sir.

Question. What were the other two cases?

Answer. One consisted in going to a negro's house, near Rutledge somewhere, and whipping him. The other was where a colored woman was shot in the leg by a stray shot. I was on the grand jury when the case was brought before the grand jury.

Question. What was the action of the grand jury?

Answer. A true bill was found against the parties, but they never could find who they were.

Question. Was anybody ever arrested for that?

Answer. A number were arrested and brought before the grand jury.

Question. You say you found true bills?

Answer. We found true bills against the act.

Question. But no bill against any person?

Answer. No, sir; we could not find any person.

Question. Do you know of any arrest having been made?

Answer. No, sir; I do not think there ever was any made?

Question. Is it understood in your county that that Ku-Klux organization is for political purposes?

Answer. No, sir; I do not think it is understood that there are any Ku-Klux. As I said before, there are acts laid to the Ku-Klux. So far as I know, in our county, I think the whole idea of Ku-Klux is some band of ignorant men who go about in localities outside of the town and hatch up these things in their own heads; that is my honest opinion.

Question. For what purpose?

Answer. For the purpose they generally carry out—whipping, &c.

Question. What do they whip any persons for?

Answer. Well, that is hard to tell.

Question. Did you not understand that these bands, by whatever name you may call them, direct their attacks against radicals and colored people?

Answer. I have no proof of that.

Question. Did you not understand that to be so?

Answer. No, sir; not in our county.

Question. Do you mean to say that you believe a democrat is just as likely to be attacked by these bands as a radical or a colored man?

Answer. I have no means of answering that question definitely, because I do not know of any that has been attacked.

Question. You do not know of any democrats that have been attacked?

Answer. I do not know whether those negroes that were attacked were radicals or democrats, and I have never asked.

Question. Is there any paper published in your county.

Answer. Yes, sir.

Question. What is it?

Answer. The Appeal and Advertiser.

Question. What is the politics of that paper?

Answer. It is an independent paper.

Question. Neutral in politics?

Answer. It does not seem to have any politics, one way or the other.

Question. Is it a religious paper?

Answer. No, sir; it has a little religion, agriculture, emigration, and business.

Question. It has no politics?

Answer. None that I have discovered.

Question. Are you a subscriber to that paper?

Answer. No, sir.

Question. How does the editor vote?

Answer. I do not believe he has ever voted there. I ought to explain in reference to that paper. I said I do not subscribe to it; it is because I own it.

Question. And publish it?

Answer. Yes, sir.

Question. And you say it takes no part in politics?

Answer. No, sir.

Question. It favors neither the democrats nor the radicals?

Answer. I do not think it does. I am issuing it in the interests of the community and of emigration.

Question. Have you a copy of that paper with you?

Answer. Yes, sir.

Question. Did you comment upon the shooting of that negro in the jail?

Answer. No, sir.

Question. You said nothing about it?

Answer. No, sir.

Question. Did you make any comment upon the outrages upon those colored people you have spoken of?

Answer. No, sir.

Question. You made no allusion to them?

Answer. No, sir.

Question. You did not publish it even as an item of news?

Answer. No, sir.

Question. Why not?

Answer. I was not publishing the paper then.

Question. How long since you have been publishing the paper?

Answer. One week ago.

Question. Was it commented upon in that paper?

Answer. Yes, sir.

Question. Which of those transactions?

Answer. I know the last one was; I do not remember about the others, which were a couple of years ago.

Question. Do you remember the way it was commented upon?

Answer. Yes, sir.

Question. What was it?

Answer. It detailed the facts as they were.

Question. Did it make any comment upon the facts?

Answer. I do not remember exactly whether it did or did not. I think it had a little short editorial, but I do not know whether I read the editorial. I read what the jury had to say about it; the foreman of the jury was a northern man.

Question. Does your county generally go democratic or radical?

Answer. Radical.

Question. Does it generally go radical?

Answer. It did at the last election.

Question. Have you known or heard of any attempts on the part of bands or individuals to disturb colored laborers upon farms or plantations?

Answer. No, sir.

Question. You have never known or heard of any such instances?

Answer. No, sir.

Question. Do you know how you came to be summoned here as a witness?

Answer. Yes, sir; I know now, but I did not know when I got the summons.

Question. How was it?

Answer. I stepped into the Sun office——

Question. The Sun paper, published in this city?

Answer. Yes, sir; I generally go there when I come to town, because I am a printer myself. I get to talking about matters and things, and I told him I was summoned before this committee. He made the remark that he guessed that he was to blame for it. I told him I did not know how it was.

Question. The Sun is a democratic paper published in this city?

Answer. They do not pretend to have any political sentiments; they claim to be neutral, I think.

By the CHAIRMAN:

Question. Your paper is an independent paper like the Sun?

Answer. My paper is printed more as a business paper. I have a real-estate office, and I print it as an advertising medium of my business.

By Mr. LANSING:

Question. Your paper is independent in the same sense that the Sun here is?

Answer. I do not know about that. I publish what I please.

Question. Do you go to the Sun office whenever you come into this town?

Answer. Not always; frequently.

Question. Do you go into the Era office?

Answer. Yes, sir.

Question. Do you go there as often as you go into the Sun office?

Answer. No, sir.

Question. The Era is a republican or radical paper?

Answer. I think it is.

Question. Has not the Sun the name of being equally a democratic paper?

Answer. That I do not know; I say it claims to be independent.

Question. Are you correct in saying that it claims to be independent?

Answer. That is what their type says; I have seen it in the paper.

Question. They told you at the Sun office they caused you to be summoned here?

Answer. The business manager said so.

Question. Did you bring a letter of introduction to any member of this committee?

Answer. Yes, sir. When I was in the Sun office I told him that I would like to see the committee that night, as I had business in New York. I said, "I am not acquainted with any member of the committee."

Question. And they gave you a letter of introduction?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Is this [handing the witness a letter] the letter you brought me?

Answer. Yes, sir. [The letter referred to is as follows:]

"OFFICE OF DAILY AND WEEKLY SUN,

["Alexander H. Stephens, political editor; A. R. Watson, news editor; J. Henly Smith, general editor and business manager.]

"*Atlanta, Georgia, October 27*, 1871.

"MY DEAR SIRS: This will be handed you by Captain B. H. True, of Madison, Georgia, who has come in response to a summons of your committee. You will find him a gentlemen in whom the people of his county have confidence.

"Truly, yours,

"J. HENLY SMITH.

"Messrs. BAYARD AND VOORHEES."

By Mr. LANSING:

Question. Do you take particular care to avoid politics in your paper?

Answer. No, sir.

Question. Do you believe if your paper should come out in open, bold denunciation of the outrages that have been perpetrated in that county by these bands, as you chose to call them, and in advocacy of radical principles and candidates, you would be undisturbed in publishing it?

Answer. I do not think I would be troubled.

Question. You feel very confident of that?
Answer. I think so; I cannot tell what might happen.

By Mr. BAYARD:

Question. You have been asked in regard to the letter of introduction that you brought me, and you have stated that the one I showed you a moment ago is the one that you brought to me?
Answer. Yes, sir.
Question. You sent that letter to me with your card?
Answer. Yes, sir.
Question. Did you ever see me in your life until you saw me this morning in the room adjoining this committee-room?
Answer. I do not remember that I ever saw you before.
Question. Had you any intimation in any way, from any member of this committee, as to the subject-matter of your examination, or the questions to be put to you?
Answer. No, sir. And I would like to state further, that I do not think my being in the Sun office, or anything of that kind, should be construed to mean anything in relation to political matters, or anything of the kind, because I do not have anything to do with politics. I go equally as much to the other offices; that just happened so.
Question. If this testimony of yours to-day were to be published in your county, would you have the least objection?
Answer. No, sir; I would publish the whole of it.
Question. Have you been in any way affected in the testimony you have given here by the belief that it would be seen and read by the people of your county?
Answer. Not a bit.
Question. I understand that the foreman of the grand jury who found the bills you have mentioned was a northern man?
Answer. I said the foreman of the coroner's jury was a northern man.
Question. The jury who found the verdict against the man who was shot in the jail?
Answer. Yes, sir; and his name was Quimby.
Question. What offense had that negro committed?
Answer. He had attempted a rape.
Question. Upon whom?
Answer. Upon a young white girl.
Question. Who was she?
Answer. I have forgotton her name.
Question. Was she a respectable girl?
Answer. Yes, sir.
Question. The daughter of a respectable family?
Answer. I suppose so; I never knew the family.
Question. Was the negro named Charles Clarke?
Answer. Yes, sir.
Question. Do you know whether the girl's father was a Methodist clergyman, living three miles from the town of Madison?
Answer. I do not know.
Question. I understand that this paper, which you have produced here at the request of the committee, was purchased by you a week ago?
Answer. Yes, sir; this is my second issue of it.
Question. You design it chiefly as a circulating medium of your business as a real-estate agent?
Answer. Yes, sir.
Question. And you fill it with news and matters relating to your business?
Answer. Yes, sir.
Question. You do not design it to become a political organ of any party?
Answer. No, sir.
Question. I understood you to say that there were eleven or twelve hundred black voters, and five or six hundred white voters in your county?
Answer. Yes, sir.
Question. At the last election the republican candidates were elected?
Answer. Yes, sir.
Question. Of what color are they?
Answer. Right black.
Question. Do you know them both?
Answer. I know them by sight.
Question. Can either of them read or write?
Answer. I do not know whether the one who was a member of the last legislature can read and write or not; I think the probability is that he can write a little. But the other man is a very ignorant man, and a very lawless man. He has been what they called in slavery times a bad negro.

Question. Do the negroes of that county own much or any considerable portion of the property of the county?

Answer. I have seen a statement as to how many of them own real estate, but I have forgotten now. I think that probably some thirty or forty negroes own lots or little pieces of land near the corporate limits of Madison.

Question. Is it not an exceedingly small fraction of the property of that county that is owned by them?

Answer. Yes, sir.

Question. The tax paid by the county falls most heavily upon the white people?

Answer. I should say so.

Question. Those are the representatives that have been sent here to this legislature?

Answer. Yes, sir.

Question. If you had felt inclined to vote the republican ticket at the last election, would you have done so freely and without fear of any kind?

Answer. I would not have voted the republican ticket, and voted for a negro.

Question. If you had been inclined to vote, would you have done it without fear of any kind?

Answer. Yes, sir.

Question. Have you had any knowledge or experience of the treatment of colored people, since emancipation, by their former masters and mistresses?

Answer. I think that in a majority of cases they have been treated well enough. I have heard of cases where they have been badly treated, but as a general thing the negroes would leave such places; whether there was any ground for it or not, I cannot tell.

Question. Have you known cases of kindness and protection of old servants by their former masters and mistresses?

Answer. Yes, sir; I think that a great many of the people were exceedingly kind to them.

Question. I mean kindness growing out of their former relations?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you think that the general feeling among white people in your county, and especially among the democratic white people, toward the colored people is the same as your own, as you have expressed it here?

Answer. I think so; as far as I know, it is. We have come to the conclusion that the negro cannot be depended upon; at least I have in my business. That was one of the things that made me sell out. I became satisfied that as years went by the negro could be depended upon less and less, and the result is that I have sold out my farm.

Question. You think that is the general feeling?

Answer. Yes, sir.

Question. You speak of having no fears about giving your testimony here. You are not afraid of being molested by the people of your county for anything you may testify to here before us?

Answer. No, sir.

Question. You remark that you would not vote for a negro?

Answer. Yes, sir.

Question. Why not?

Answer. Well, because—I do not know that I can really explain why. There is an antagonism that I feel toward the race; I do not feel exactly toward them as I do toward the white men. One of the great reasons why I would not vote for the negroes running in our county is that they are not intelligent. I do not know but if a colored man was equal in intelligence with a white man, and I believed he was, I might vote for him. But if I thought the man was an ignorant man, and was going to be put in office by voters who had not much intelligence, I would have more sense than to vote for him.

Question. You would not vote for any man who was ignorant?

Answer. No, sir; white or black.

Question. How much knowledge do you think a man should have before you would vote for him; and how ignorant must he be before he would be too ignorant for you to vote for him?

Answer. I could not answer that question.

Question. Then I understand you to say, on further reflection, that if a colored man was intelligent enough for the position he was a candidate for, you would vote for him?

Answer. I say there might be such a thing as a negro being intelligent enough, and that if I believed he was, I might vote for him.

Question. Still you have a feeling of antagonism to his race that would embarrass you about voting for him any way?

Answer. Yes, sir; that is the way I feel.

Question. Would you vote for any man who was in favor of negroes voting, and in favor of their having equal political rights with white people?

Answer. I would not care about their voting or having political rights, provided they were not to hold office until they had some qualifications, either of property or of education, especially of education; I would be in favor of their voting.

Question. Are you in favor of white people having property or educational qualifications before they should be allowed to hold office?

Answer. Yes, sir.

Question. Is not holding office one of a man's political rights, if a man get votes enough, or if the people want him to hold office and elect him to it?

Answer. It seems to me that is so in these later times.

Question. Has it not been so in all times?

Answer. Well, I cannot say.

Question. Is not that regarded as a political right, a political right that some people are allowed and others are not allowed; women are not allowed to hold office, are they?

Answer. There is no vote against it.

Question. Minors under twenty-one years of age are not allowed to hold office, are they?

Answer. I believe not.

Question. That is a political right of which they are deprived?

Answer. Yes, sir.

Question. You spoke of a colored boy who was shot in jail, and you said he had attempted to commit a rape. Do you speak from knowledge, or do you mean to be understood as saying that was the charge against him?

Answer. That was the verdict of the jury. I was there at the trial. I was in the hotel the night the band came there; I saw the negro himself, and I heard enough about it to be convinced in my own mind that those were the substantial facts. I do not think it is doubted by anybody since then, except by some newspapers that seem to doubt it. I believe anybody there who has any knowledge of it will bear the same testimony.

Question. You saw the negro after he was shot?

Answer. Yes, sir.

Question. Where was he shot—in what part of his person?

Answer. I saw bullet holes through him near his heart, and one near his thigh.

Question. Were his entrails exposed, or shot out?

Answer. No, sir.

Question. Did you see his body stripped?

Answer. No, sir.

Question. At what trial were you present?

Answer. The coroner's inquest upon his body.

Question. Had he not been examined before Judge Barnett a few days before?

Answer. I believe he had.

Question. Were you present then?

Answer. No, sir.

Question. You do not know what the action of the judge was?

Answer. He was committed to jail; I know that.

Question. Do you know upon what ground he was committed to jail?

Answer. I have stated before, he was committed to jail because he had attempted this rape.

Question. Was not the fact this; that the judge examined the testimony and decided that there was not sufficient to hold him in custody; and afterward the counsel that was prosecuting him, Mr. Reese, made a motion, or insisted that he should be put into jail again, and held until they could get further testimony?

Answer. This is the first I have heard of that.

Question. Do you know it was not so?

Answer. No, sir; I do not know that it was so or was not so, except what I hear you say.

Question. You were in town when he was shot?

Answer. Yes, sir.

Question. Where were you?

Answer. In the hotel, asleep.

Question. At what time of the night was he shot?

Answer. I heard them making a noise in the hotel, and I got up as quick as I could, put on my clothes, and went down stairs. There was nobody there, except three or four persons standing on the hotel steps. I asked what time it was, and I believe they said it was nearly 1 o'clock.

Question. Was that before or after he was shot?

Answer. It was after he was shot.

Question. How long after?

Answer. Just as soon as I heard the noise, I got up and went down as quick as I could get down.

Question. Do you know a man by the name of Elijah Stone, or Store?

Answer. No, sir.

Question. Do you know a man by the name of Henry Hogue?

Answer. Yes, sir.

Question. Do you know a man by the name of John Hill?

Answer. Yes, sir.

Question. Do you know a man by the name of Weldon Price?

Answer. I do not.

Question. Do you know a man by the name of James Anderson, a son of Doctor Anderson?

Answer. I guess I know him by sight; I do not know his first name.

Question. Do you know a man by the name of Greene S. Foster?

Answer. Yes, sir.

Question. Do you know a man by the name of James W. Reese?

Answer. I know a man by the name of Reese, but do not know James Reese; I know Isaac Reese.

Question. Is he a lawyer?

Answer. The lawyer's name is Seaborn Reese.

Question. Do you know G. N. Dexter?

Answer. Yes, sir.

Question. Did you see any of them there that night?

Answer. Yes, sir.

Question. Has there been any attempt made to find out who was concerned in killing that boy in the jail, or to make any investigation in that direction?

Answer. I do not know of any, only the coroner's inquest.

Question. Did this colored boy Clarke have an uncle there that he was living with?

Answer. I do not know.

Question. Was not an uncle of his whipped that same night?

Answer. I heard there was a colored man whipped, but I never heard whether he was an uncle of this man or not.

Question. What was his name?

Answer. I heard his name at the time, but I have forgotten it now; I might remember it if I should hear it mentioned.

Question. You did not hear that he was any relation to this colored man Clarke?

Answer. No, sir.

Question. What was he whipped for?

Answer. It was said that he was in front of the jail as the captain of a band of negroes there, on the Saturday night before the killing, I think; that was the charge made against him.

Question. The negroes had been guarding the jail to prevent this boy from being killed?

Answer. Yes, sir, that was said.

Question. The charge against this man who was whipped was, that he had been of that company?

Answer. Yes, sir.

By Mr. LANSING:

Question. Is this (handing the witness a paper) a copy of the Sun which you spoke of as an independent paper?

Answer. I think this is the paper.

By Mr. SCOFIELD:

Question. Alexander H. Stephens is the editor of that paper?

Answer. Yes, sir.

By Mr. LANSING:

Question. Does not the name of Alexander H. Stephens appear in this paper as one of its proprietors, and as its political editor?

Answer. I think it does.

Question. Do you not see that it does?

Answer. Yes, sir.

By Mr. BAYARD:

Question. I understand you to say that the testimony you heard at that time, the facts stated at the time this negro man was killed, left no doubt in your mind that he had attempted to ravish that young white woman?

Answer. I had no doubt, from what I heard.

By the CHAIRMAN:

Question. What is the law in this State in regard to such an offense; what is the punishment prescribed for it?

Answer. I think it is imprisonment in the penitentiary.

ATLANTA, GEORGIA, *October* 28, 1871.

WARREN DAVIS (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I will be forty-eight years old on the 13th of next February. I was born in Decatur, in this State, and I now live in Atlanta.

Question. When did you come from Decatur?

Answer. Well, I was born there, but I do not suppose that I staid there but a short time; my mother was hired out. That has been forty years ago.

Question. How long have you been living in this place?

Answer. Not all the time, every year; but, first and last, ever since the surrender.

Question. Have you lived in any other county of the State since the surrender?

Answer. Yes, sir; I came from Coweta last Saturday.

Question. How long did you live there?

Answer. I went down there last January a year ago.

Question. What made you come away from there?

Answer. I could not stay.

Question. Why not?

Answer. The Ku-Klux got about there.

Question. What happened to you?

Answer. A man of the name of Jourdan Hancock asked me about three weeks before this happened if I wanted to sell my crop, and I said no. He said I had better sell it and leave there. He did not say anything more to me. But he and his brother-in-law made a plot to meet at a little place called Harrison, and at the request of their mother-in-law, run me away. They promised to meet at Harrison on Monday evening. I happened to be there, but I did not know they had made a plot to meet there. Mr. Garrison saw me, and went on about a quarter, and stopped at a white gentleman's house, and asked if Mr. Hancock had been there that evening; and he said no. Then he said, "We are going over to straighten out old man Warren, and he promised to meet me here; we are going to try to buy out his crop, and if he will not sell it; I intend to straighten him out." They came about 10 or 11 o'clock at night.

Question. How many?

Answer. I did not see but two.

Question. What did they do?

Answer. My dog found them out before they got to the house. I had got up to give my wife some medicine. My dog began to bark, and I mistrusted something was about. I had a child in my arms, and I laid it down behind its mother, and started for the door. Just before I got to the door, they hollered, "Halloo." I went and opened the door part way, and said, "What do you want?" He said, "Come here." I said, "Mr. Hancock, is that you?" He said, "Yes; come here." I said, "Let me put on my drawers." He heard me jerk the other door open, and run; he found me out, and ordered me to halt, but I did not do it; he fired, but he did not hit me.

Question. How many shots did he fire?

Answer. He fired only once. I had to go through a mighty bad swamp about a mile. Four colored men heard my wife scream and heard a shot, and they came running up there. The colored men hailed my wife before they came into the house, and said, "Betsy, what's the matter?" She hollered again. They said, "Hush!" and went in there and got up a light, and took all the things they could tote, and my grown daughter, and started off. The men came up again and fired, and then they left a coffin on the fence.

Question. What coffin?

Answer. This coffin here. [Pointing to one he had before him.]

Question. When did you first see the coffin?

Answer. I came up here and tried to get some protection, and they sent me back to the county I lived in.

Question. Who found the coffin?

Answer. Some white gentlemen saw the coffin first, and one of them proposed to bring it away, but the other said, "No, don't move it." The old lady where I was hired said there were a hundred men there. The men sent word to my wife to go and get it and save until I come back, and she went and got it.

Question. Your understanding is that the coffin was left there the night they did the shooting?

Answer. Yes, sir; it was not there when the colored men went into the gate after my wife. The next morning my daughter and wife went there to feed the chickens, and they saw it, and it scared them, and they ran away.

Question. A paper has been handed me here; do you know anything about it?

Answer. Yes, sir; that was inside the coffin.

[The paper is as follows:

LOOK OUT FOR K K K

If you are found in this country in fifteen day this shol be your doom and so you had beter be on look out or the ku kucks will get you and this will be your resting place.]

Question. Was the coffin nailed up?

Answer. Yes, sir.

Question. Who opened it?

Answer. Some of the men who fonnd it thought there might be something in it, and they opened it on Sunday, when I got back; I was there when they opened it.

Question. Were these marks on top of the coffin there when it was found?

Answer. Yes, sir.

[The marks were as follows: "Look out for the K. K. K. ⊣"]

Question. Have you any reason to suppose who made that coffin?

Answer. No, sir; I have not.

Question. Were any of the men who were having this difficulty with you, mechanics of any sort?

Answer. No, sir.

Question. Was there anybody in your neighborhood who made coffins or did other wood-work?

Answer. A man who lived out where they were to meet is a mechanic; but he says he did not make it, and the people say they do not think he made it. But Hancock was seen in a little town about six miles off, on Monday; he went there in his buggy and was late coming home.

Question. What was the little town?

Answer. Sonora; and people think it was made there; but they do not know for certain.

Question. Had you heard anything about the Ku-Klux up there in that county?

Answer. Not before that night at all. There was a colored man killed there the first year after the surrender, before I went down there. I went down there last January a year ago.

Question. You heard nothing of them after you went down there until this occurrence?

Answer. No, sir.

Question. Have you heard of them since?

Answer. No, sir.

Question. When was it they came to your house?

Answer. Near about the last of August; I do not recollect the date.

Question. Who is Jourdan Hancock you speak of?

Answer. He lives in Merriweather County, and is the son-in-law of the old lady whose land I lived on.

Question. He wanted to buy your crop?

Answer. Yes, sir.

Question. Did he make you any offer for it?

Answer. No, sir.

Question. How much crop had you?

Answer. It turned out very sorry this year; it was so wet I did not have but little. When I went back the white people said they would protect me, and I gathered twenty-five bushels of corn and two bags of cotton.

Question. Had you had any trouble with the old lady?

Answer. No, sir; we had been getting along the best kind.

Question. Did you have any difficulty in any way with her in your settlement?

Answer. No, sir; we settled just as smooth as I ever saw anything in the world. She has three sons-in-law. She wrote a note to one of them, Mr. Hollins. His little son, in carrying the note while he was driving a cow, dropped it, and a white gentleman found it, and read it, and told me that the old lady was sending a note to her son-in-law, that she was getting very afeared of me, but she did not say what for.

Question. Was that after these men made an attack on you?

Answer. No, sir; it was before. She was sort of inclined to get them all to go and *run me away;* but I do not think Mr. Hollins had anything to do with it.

Question. Do you suppose the old lady had anything to do with it?
Answer. She was the one that put them up to it.
Question. Had she said anything at all to you about going away?
Answer. No, sir; but she had been putting out her threats to other people, that she allowed to have me rousted away from there.
Question. What reason did she give?
Answer. I do not know; she had not observed anything to me at all?

By Mr BAYARD:

Question. When were you shot at in this way?
Answer. On Monday.
Question. When?
Answer. This year.
Question. Lately?
Answer. Yes, sir.
Question How long ago.
Answer. It was near the last of August; I do not recollect the day, but it was pretty close to the last of August.
Question. Did you come right away?
Answer. Yes, sir.
Question. When?
Answer. That same night.
Question. Where was that box found—that miniature coffin?
Answer. Near my door, on the fence.
Question. How far from the house?
Answer. Between six and eight steps.
Question. How long after the shooting?
Answer. I do not know how long when it was laid there; it was not there the first shot, for the colored men went up through the gate to get my wife, for they knew I was either killed or gone; they went up there to take care of her, and it was not there then.
Question. When did you find it after that?
Answer. The last time they shot six times, and it is supposed the coffin was left there then; it was there the next morning.
Question. Your wife was afraid to feed the chickens on account of that coffin?
Answer. Yes, sir.
Question. Because that box was sitting on the fence?
Answer. Yes, sir.
Question. Who found it?
Answer. A white man.
Question. The colored men did not see it at all?
Answer. No, sir. My wife and daughter were the first who saw it when they went to feed the chickens.
Question. And they were afraid to go there?
Answer. Yes, sir.
Question. When did the white people see it?
Answer. I do not know how long before.
Question. When did you see it first?
Answer. That was put there on Monday night, and the Sunday following I went back.
Question. Where was the box when you first saw it?
Answer. Out in an old field, covered with leaves and rags and things.
Question. Who put it out there?
Answer. I do not know exactly, whether my wife or a colored man did it.
Question. She got very much frightened about it?
Answer. I reckon so.
Question. Have you got over any fright about it? Does it alarm you as it sits in the room?
Answer. No, sir; if it had, I never would have brought it here. [Laughing.]
Question. Do you laugh when you look at it?
Answer. Just as well to laugh as to cry.
Question. Is there anything there to alarm you now, as you look at it?
Answer. No, sir.
Question. Have you ever measured it; do you know how long it is?
Answer. No, sir.
Question. You brought it here?
Answer. Yes, sir.
Question. How long have you been waiting to be examined?
Answer. I came here Monday.
Question. Waiting to be examined in this case, with that coffin, since Monday?

Answer. Yes, sir.
Question. You say two men came to your house and you knew them both?
Answer. Yes, sir.
Question. You had had some difficulty with an old lady; she was displeased with you for something about the crops?
Answer. She had never said a cross word to me.
Question. You found from others that she was displeased with you for something connected with the crops?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What made you go away?
Answer. I did not go away until they got after me and shot at me. It looked like I had better get away, or I would be killed.
Question. Why did you not go back?
Answer. I have brought my wife away now; there is nothing to go back there now for, and I do not intend to go back.
Question. Why not?
Answer. It would not do; they would kill me; I know they would.
Question. What did you understand to be meant by this little coffin with the marks on top of it and the paper inside of it?
Answer. I should have thought it meant death; I do not know what else.
Question. You so understood it?
Answer. Yes, sir.
Question. And you acted on that belief?
Answer. Yes, sir. That was what scared my wife the next morning, thinking that meant that they meant to kill me if I was found there any time.

ATLANTA, GEORGIA, *October* 28, 1871.

GREENE WESTMORELAND (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I am now thirty-six years old. I was born in Spalding County, Georgia, and I now live in Atlanta. I came from Spalding, about ten miles from Griffin.
Question. When did you come from there?
Answer. It has been about four months since I have been there.
Question. What reason had you for leaving there?
Answer. Because I and a white gentleman got into that fracas.
Question. What about that fracas?
Answer. I was up here, and I used to go and see my wife once a month. During the time I was up here one of my children was taken sick and Dr. Nunnally went there, and charged two dollars. I went over, and he told me he wanted the money. I said I did not have it, but that I would get it as soon as I could, and my wife would pay it before I went back again. I came on up here. He was down at a grocery between Griffin and my house, and as I went by there I stopped to get a drink. He came up and asked what I wanted. I said I did not want anything; that I was just going by. He said, "Are you going back to Atlanta?" I said, "Yes, sir." He said, "You are an Atlanta gentleman?" I said, "No, I am no gentleman at all." He said, "You are above working on a farm?" I said, "No; but I can make more money at Atlanta than down here." He then ran out and pulled my coat plumb off of me, that my wife's master gave me, and he cut me twice. He ran in there and said, "Jim, what do you mean." He kept coming on me; after I pushed him away he kept throwing rocks at me. My wife's master said, "Go away and go home; what are you here for?" I said, "I came by to get a bottle of whisky for my wife." I went away from the grocery, and went to a blacksmith's shop near there. He came in there and picked up a long bar of iron and struck at me. I knocked off the lick with my arm, but it liked to have broken my arm. I went back and sat until I got better, and I have staid here ever since. I wrote for my wife, and she came up here, and then I wrote for my things, and the widow Dunn sent them.
Question. Did you try to get this man arrested and punished?
Answer. I went to Griffin and talked with several about it, and they said, "We aint agoing to do anything for you;" they all hang together.
Question. How many people were present?
Answer. A great many. In the country, on Saturday evenings, there are a great many *at the* grocery; there were some ten or twenty there. I thought it would not do for

me to fight him, and I just took every lick, and did not raise my hand except to keep off as many licks as I could.

Question. What reason had he for treating you in that way?

Answer. Only this little account, and because I lived up here. He was a man that did not like a black person to have privileges. There is as much difference between him and A. Nunnally, his brother, who is a lawyer, as there is between night and day. They are both democrats, but there is a great deal of difference between the two men.

By Mr. BAYARD:

Question. How long have you been here?

Answer. I do not know; since about Tuesday, I believe.

By the CHAIRMAN:

Question. What made you come here?

Answer. Because I wanted something done with him about it.

Question. You came here to let us know how you had been treated, so as to have something done to redress your wrongs?

Answer. Yes, sir, of course I did. I tell you all what was done to me, and God Almighty knows I cannot tell you how bad I was done. White people there who are as rank rebels as any in the world said it was a scandal. One said if he had been there it should not have been done. The way he acted to me was just a scandal for all the world, and I took it, every bit.

By Mr. BAYARD:

Question. People down there who are rebels did not like it?

Answer. They were opposed to it themselves and said it was not right.

Question. Had this man been drinking a great deal when he attacked you?

Answer. He was drinking some. He was a powerful man to get drunk sometimes. I will not say he was drunk, but my wife's master came home and said that Jim Nunnally was drunk.

Question. You were protected by your wife's old master?

Answer. Yes, sir.

Question. What is his name?

Answer. John Parson; and he will tell you the same words.

Question. He was a good friend of yours?

Answer. Yes, sir, because he used to own my wife.

Question. Is that the way there, that people who used to own colored folks will take up for them when they get into any trouble?

Answer. Some of them will, and some will not. Some feel for black ones all the time, and some do not care what becomes of them.

ATLANTA, GEORGIA, *October* 28, 1871.

SIMON ELDER (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am fifty-six years old, going on fifty-seven; I will be fifty-seven next cotton-planting time; I was born in Clarke County; and I now live in De Kalb County.

Question. When did you leave Clarke County?

Answer. This very next month, about the middle of the month, will be two years ago.

Question. Why did you leave?

Answer. Because I was compelled to leave by the Ku-Klux, or what they call Ku-Klux, anyhow; I do not know what they were, but they were ill-advised men. They came to my house on Saturday night about 11 o'clock in the night. There was no one there but me and my wife, and we were sitting down laughing and talking just before they came in. It was a mighty cold night. She observed to me, "Come, old man, let's go to bed." Said I, "Old lady, you can go on and lay down, and I will come directly." The fire was very warm, and I was lying down before the fire, for I was tired. I dropped off into a little dose of sleep. But as near as I can recollect it was about 11 o'clock when they carried me out of the house. When I waked up they were knocking at the door. It was just like a whole gang of rocks coming against the door. I jumped up and said, "Halloo!" By that time they flung the door down, and fell against me. When they did that my wife says that four of them jumped on me at once and commenced beating me over the head with clubs that they had. One of them said, "You damned radical son of a bitch, we intend to put an end to you." Said I, "Lord, have mercy!"—just so; I recollect saying that. The man who was beating me over the

head sort of stopped beating me then, and asked me if I had a pistol in the house. I said, "The pistol is not here; I bought it for my son, and he is now either in Atlanta or in Augusta, I do not know which. He has an uncle living in Augusta, and he may be there. He carried it off with him." He said, "You are a damned liar; that pistol is in this house, and we intend to have it this night or kill you." Now, gentlemen, I told them the truth; the pistol was not in the house; my son had carried it off. One of the men who was out of doors—I knew his voice very well—said, "God damn him, fetch him out here." They then dragged me out of the house and carried me off. When they did that, I asked them if they pleased to let me put on my shoes; it was mighty cold. Said he, "No, God damn you, you need not put your shoes on; we are Yankees from the Federal City, and we will have you in hell before to-morrow night this time." They took me out, and dragged me over the fence, and got me into the big road. They asked me if I could run. They had been beating me, so they wanted to see if I could run or not. They beat me over the head; as God would have it, they did not beat my legs. I went blundering along making out that I could not run. They ran along by the side of me. When I got along down by my patch fence I struck the woods, and one came out from there and said something that I could not understand. The others were dressed in white; I did not see how he was dressed. They made me go into the thicket of woods, and there it looked almost like a judgment to me. I thought my wife was in the house, but there she was up in the woods. They had tied their horses out there when they went to the house. When they got me out there they got around me and ordered me to strip myself as naked as ever I came into the world. I was qualified of their voices, but they had their faces in disguise, and all had uniforms on. I thought I would as quick die with a quick pain as a slow fever, and I made a spring and ran off. They shot the third time at me, and put one bullet through an old pair of breeches, but I got away from them, clear. One of them said, "God damn him, he dodged down here." This is what my wife told me when I got back. They said, "Hunt about; hunt about!" but I had run clear away from them. One said, "Now, gentlemen, isn't that a damned shame for one damned old nigger to get away from as many men as we are here?" That is what my wife said she heard them say. They thought that I had a pistol, and I reckon they expected that the pistol was out somewhere there, and that probably I would run for it and come back and shoot some of them. They went to her and said, "Where is he?" She said, "I don't know; I have not seen him since you all had him." They said, "That's a damned lie; you know where he is; if you don't tell I will blow your brains out." They had my wife out there in the woods, and one said, "Aunty, I expect you can get back to the house; and men, you had better get away from here." I saw them as they all came up the lane before me. I was in the brier patch. There was a long row of them, two at a time, as long as from here to that white house. [Pointing through the window at a house.]

Question. How many do you suppose there were in all?

Answer. I thought there were about thirty. There were two who beat me, and I am qualified of one who beat me, for he could not alter his voice so I could not catch it.

Question. Who was that?

Answer. Jourdan Elder.

Question. What had they against you?

Answer. Nothing on God's earth, only they told me that it was because I was getting too much for them. I paid this very man who beat me over my head. I rented land, and I and my wife and son and daughter paid the taxes. I paid that man for thrashing 223 bushels of wheat for me; I paid the toll on it; I paid nobody else about there.

Question. What did they say to you about a radical?

Answer. They said I was a damned old radical, any how, and that they would have me in hell betwixt then and to-morrow night at that time.

Question. What did they mean by calling you a radical?

Answer. Because I voted the republican ticket; that is what they meant. They could not turn me in any other way; I would vote that way.

Question. Do they call republicans radicals in your country?

Answer. Yes, sir; they call them radicals there.

Question. Did they hurt your wife at all?

Answer. She can give her evidence about what they did.

Question. Have they troubled you since?

Answer. No, sir. I staid there that night; I kept traveling from one place to another all that night. I concluded I would go to the house of the man I rented land from. After I got shut of them, and they were all gone, I put out to his house, about a mile and a half. He and his wife were sitting up by the fire when I got there, about midnight, I reckon. His son, that was always there with us, I rented a little quarter from. His son was there and in the room, and when I was showing them, and his wife was pouring stuff over the wounds on my head; he came out of the room and claimed to be sick. I found him at home when I got there. He might have been there.

Question. Were those men all disguised?

Answer. Every one.

Question. What do they call that kind of men in your country?
Answer. They call them the Ku-Klux men.
Question. Have you ever heard of their being out at any other time?
Answer. I did not finish telling how long I staid there. I staid there the balance of Saturday night, Sunday, and Sunday night, and part of the day Monday. I started from there; I hired a wagon to carry me to Madison depot, and then I got on the train and left and came to Decatur, in De Kalb County, and I have lived there ever since.
Question. When did you come to Atlanta?
Answer. I came here Monday morning, I and my wife both.
Question. What brought you here?
Answer. I did not know anything about this committee, but there was a colored man up here on Saturday that found out it was here, and he came down and told me about it. I have always been wanting to report these men to somebody or other that I could depend upon, and I trust in God you are men I can depend upon. I have come here and I have been here ever since, I and my wife both. I had $5 Monday morning, and I paid it all away last night to go backward and forward on the train, and this morning me and her took it afoot and walked here.
Question. Had you heard of the Ku-Klux around in that county before?
Answer. Yes, sir; over and often and divers of times since.
Question. What are they doing?
Answer. Going about destroying and disturbing everything they can of the Union party. Well, this man's son told me, the very day I finished cutting my wheat, "I ought not to begrudge it, but I do; you will never have another chance." I do not know that he was there; I will not say that.
Question. Do you know of any that were there besides the one you have told about?
Answer. Yes, sir; I would qualify to the two that ran beside me.
Question. Who were they?
Answer. One was James Dillon and the other was Louis Anderson. There were two more, but I would not qualify to them; but there have come some little points since that tell me of the fact that those two were Bill Marshall and John Marshall.
Question. Did you make any attempt to have them arrested and punished?
Answer. My God! I was for getting away and saving myself; I did not stay there long enough. They met a colored man and told him, "By God! we did not get him to-night, but we will see him again in a short time." I could not rest there; I expected that they aimed to kill me and my wife too. They went all over the house. They pulled my wife out of bed. She had on her dirty clothes, that she had been trying up a little lard in. When she lay down she took my pocket-book and put it in her dirty clothes, and they walked all over it and did not find it.
Question. Had you any children?
Answer. I had one by this woman, and one who was gone with the pistol.

ATLANTA, GEORGIA, *October* 28, 1871.

MARY ELDER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where now live?
Answer. I am about thirty-three years old; I do not know where I was born; my mother died when I was small; I now live in Decatur, De Kalb County.
Question. When did you leave Decatur?
Answer. Monday morning.
Question. How did you come here?
Answer. I rode on the train.
Question. What was your object in coming here?
Answer. Because I had been Ku-Kluxed. They came to my house on Saturday. We had sold a bag of cotton, and my husband went over to the store and bought a sack of salt and some clothing and some winter shoes for us. I had a cotton patch around the house, and they all got over the fence in the low corner, next to the spring, and ran against the door. I did not think they were going to interrupt us in any way. We had heard of the Ku-Klux, but it was a good while ago. They broke down the door, and as the old man jumped up, they slung him back against the fire-place, and they had some sticks with notches in the end of them, and they beat him over the head. He hollered some time, and they said if he hollered they would blow his brains out. I hollered for some time, and they slapped me over the head, and told me they would knock my brains out. They carried him out of doors, and jerked him over the fence. Then some of them told him that if he could run, to run. Two had me, one on one side and one on the other. I was just as good as naked, and it was a powerful cold night.

They took me into the woods, where they had horses all dressed off in white clothes. They told the old man to pull his clothes off, and he stepped back as though he was going to pull his coat off, and then ran. They shot at him three times, and then tried to find him. They said to me, "Where is he?" I said, "I don't know; you had him last." They said, "Aunty, you can run back to the house." I went back, and did not see them any more. They asked where the nearest grave-yard was; and they said they would have us in hell before next night; that they were from Washington. They were all disguised.

Question. Did you know any of them?

Answer. I knew Jourdan Elder, Bill Marshall, John Marshall, Henry Anderson, and Louis Anderson; those are all I knew.

Question. What did they do this to you for?

Answer. I do not know, unless it was because we were making a great deal and doing well. We were two quiet, hard-working people, doing well; we had no children.

Question. How much did you get for your bag of cotton?

Answer. I disremember how much. It was a five-hundred-pound bag of cotton, and I think it was twenty-cents a pound.

Question. How much money had you?

Answer. We had killed our hogs, and I had been trying up some lard, and I had on a dirty dress. I threw it on the floor. There was a hundred dollars in the pocket; and they trampled all my things about on the floor, but they did not find that. I had a hundred dollars in the wardrobe, and they went to the door, but did not get any of it. We had about $70 worth loose.

Question. What was it?

Answer. Some wheat we let some men have. They never paid us for it, for I was anxious to get away.

Question. Have those men ever been punished?

Answer. No, sir.

Question. Why did you not have them punished?

Answer. Well, I did not know where to go and report them at until I came up here. I heard of this committee, and I come up here.

Question. You came her to let us know about it?

Answer. Yes, sir. I did not know that any such thing was going on until Sunday evening, and I came up Monday.

By Mr. BAYARD:

Question. Do you think these people meant to rob you?

Answer. I think that was their aim; and I expect if my husband had not got away they would have killed us both.

Question. Where those men you have mentioned all white men?

Answer. Yes, sir; but I will not say for certain that all who were there were white men, for I think there were some colored men along with them.

Question. Who is the judge of that county?

Answer. I do not know. We never had anywhere to go to court at all; we never had direction about court in any way.

Question. How long before you came away from there?

Answer. I do not think it has been quite two years since we came away from there?

Question. Was it two years ago that this took place?

Answer. I think the last of next month will be two years since I left Clark County.

Question. This thing occurred two years ago?

Answer. Yes, sir; mighty near two years.

Question. Did you come to Atlanta from that place?

Answer. No, sir; we went to Decatur.

Question. You did not make any complaint to anybody?

Answer. No, sir.

Question. You did not go to Governor Bullock?

Answer. No, sir.

Question. Was not General Terry, a United States officer, here?

Answer. I do not know; I did not know anything about this business at all until last Sunday evening.

Question. Did you know these people on that night, or have you thought it over and learned about them since?

Answer. Yes, sir.

Question. Did you know all of them that night?

Answer. Yes, sir; for the man who jumped on my husband was the man who got out my wheat.

Question. Was he a working man?

Answer. No, sir; he traveled about with a thrashing-machine.

Question. Was he a common man?

Answer. Yes, sir.

Question. A working man?
Answer. He went about getting out wheat when wheat time came.
Question. Was he a man of bad character?
Answer. I do not know that I ever heard much bad character about him; but he would go out patrolling and whipping black folks.
Question. He had that reputation?
Answer. Yes, sir. He asked my husband if he was not afraid to have democrats get out his wheat, and asked him what he was. My husband said he was a radical; and he said said, "We democrats don't care about getting out damned radicals' wheat."
Question. Your husband employed him to get it out?
Answer. Yes, sir.
Question. Did you pay him for it?
Answer. He paid him toll-wheat for it.
Question. Did you pay your rent when you came away?
Answer. We did not have any rent to pay; we gave the man we lived with a third and a fourth.
Question. That was his share?
Answer. Yes, sir.

By the CHAIRMAN:

Question. You say you think there were some black people along?
Answer. Yes, sir.
Question. Did you know any of them?
Answer. I will not say for certain I knew who they were, but I know there were some colored men along.

By Mr. BAYARD:

Question. Were they disguised too?
Answer. Yes, sir.

By the CHAIRMAN:

Question. You had no idea who they were?
Answer. No, sir.
Question. Do you think all those people live right there in the neighborhood?
Answer. Yes, sir; they were neighbors close by.

ATLANTA, GEORGIA, *October* 28, 1871.

ROMULUS MOORE (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I will be fifty-three years old on the 17th day of next December; I was born in Taliaferro County, Georgia; and I now live in Atlanta.
Question. What is your proper home?
Answer. My proper home is in Columbia County.
Question. In what place?
Answer. About a mile from Thomson, on the Georgia railroad.
Question. Were you born a slave or a free man?
Answer. I was born a slave.
Question. When did you become free?
Answer. In January, 1858.
Question. In what way?
Answer. I was sold at the division of my old master's estate, and I bought myself.
Question. Have you been living as a free man since that time?
Answer. Yes, sir.
Question. Where were you during the war?
Answer. I was in Columbia County.
Question. What were you doing?
Answer. Blacksmithing.
Question. How have you been engaged since the war?
Answer. Since the war, part of the time I have been blacksmithing, and part of the time I helped to reconstruct the State.
Question. What did you do?
Answer. I was selected at first as one of the most competent for registrar; after that I was nominated and elected to the constitutional convention; and after that I was elected by the same people to represent the county in the legislature.
Question. In which branch?

Answer. In the lower branch.

Question. Where were you from the time your people were expelled from the legislature until you were restored to your seat?

Answer. I was the best part of that time in Atlanta.

Question. Since the adjournment of the legislature where have you been?

Answer. Part of the time I was at Crawfordsville, Taliaferro County, and part of the time in Atlanta.

Question. You say you were employed as a registrar?

Answer. Yes, sir.

Question. Why did they select a colored man, and not a white man?

Answer. The order was to have two white men and one colored man.

Question. And you were selected for the colored man?

Answer. Yes, sir.

Question. Who were the white men?

Answer. Mr. James Anthony, from Columbia County, and Mr. Gilbert, from Wilkes County. Wilkes, Lincoln, and Columbia Counties were put into one registration district.

Question. What is the proportion of colored and white population in Columbia County?

Answer. When the first registration was made, there were 600 whites and about 1,800 colored.

Question. Was that a full registration of all the voters?

Answer. At that time it was tolerably full; it was all that we could get. At the second registration I think there was about the same proportion, three to one. There were a great many whites that did not register at all.

Question. Why not?

Answer. Well, they would not bother themselves about it; they did not want to take any part in reconstruction.

Question. Why was that, do you think?

Answer. I think it was at Mr. Stephens's request. He is pretty much of a leader among them in that low country. I know he told me that he advised his people not to have anything to do with reconstruction.

Question. To what Mr. Stephens do you refer?

Answer. Alexander H. Stephens.

Question. Are you acquainted with him?

Answer. I am; I was born and raised right in his county.

Question. He told you that his advice to his people was to have nothing to do with reconstruction?

Answer. That is what he told me.

Question. Did he tell you his reason for that?

Answer. No, sir; he did not state.

Question. State whether you were, at any time, personally interrupted, or in any way molested.

Answer. I was.

Question. State when, where, and by whom.

Answer. I disremember the exact date; I could tell by looking at some of my papers. It was in July, 1868, when there was to be a democratic mass-meeting in Atlanta. We were then in the legislature here. We adjourned over on Friday night, to attend the mass meeting, which was to be on Monday. I concluded that would be a good chance to see my family, and I got on a freight-train on the Georgia railroad, which would land me at home the next morning, Saturday morning, about sunrise. When I got home on Saturday morning, the Ku-Klux had visited our little town of Thomson, and had beaten a friend of mine pretty severely; he was then in his bed.

Question. Was he white or black?

Answer. He was a colored man. I went to see him, and went on home; I lived about a mile from Thomson. That night they visited my house.

Question. What did they do?

Answer. They abused me considerably for my political principles and my misleading the colored people, as they said. They were very well armed, had pistols, shot-guns, &c.; but they did not disturb me personally. I suppose it was only the great Creator that kept them from it. I prayed pretty earnestly; I was the pastor of a church in my county. I was in my house sitting back against my fire-place, reading my Bible. They came to the door, with a kind of war-whoop, expecting that I would run; I did not, and they came into the door. I knew pretty well who they were, and I said, "Come in, gentlemen." A whole parcel came in and commenced cursing and abusing me. I talked very kindly to them. They accused me of raising the disturbance. The question they asked when they came in was, "What's all this fuss about?" I said, "Gentlemen, what fuss do you have reference to?" They said, "There is a great fuss in the settlement; they say you are the cause of it." I said, "I can't see how you can say that, for you all know I came from Atlanta this morning; you saw me when I got off

the train; this is my first visit home for several months; I don't see how you can say I raised any disturbance here." They said, "From your political course heretofore." I said, "You know my principles; I am willing to proclaim my principles. I canvassed this district, and you know what I was; and I thought that was my privilege; I know this; you all know me personally, and I sustain as good a character as any colored man in this country." They said, "Yes, we have nothing against you in the world only that you mislead your people." They gave me to understand that I should not control my people politically. I said that of course if I could not control them, if my life had to be in jeopardy in consequence of it, I should let it alone. They finally told me they did not come to hurt me. They talked a great deal, and said, "We didn't come to hurt you to-night; we haven't got on our grave clothes." I said, "I don't suppose you would hurt me, because I have not done anything for you to hurt me for." That was on Saturday night. On Sunday I received a letter from some of my friends, not to stay in the house, because they were going to visit me again. I will now give you the reasons why it was thought they would visit me again. When I returned home the next day, they had beat the old servant of a widow lady, Mrs. Richards. As I was informed, she observed to them the next day, "You have beaten my old servant nearly to death, and Romulus you have let alone." They said, "We will go and see him to-night." That is the reason why I received the note that they were coming again the next night. I lay out that night, but they did not come. Monday evening I left. A week after I left, they visited my house again in disguise. My wife was teaching school at the place where I lived. A colored man and myself had a little place that we owned together. He bought the place, and I built a house on it; and we were living there comfortably and quietly, as we thought. My wife got up a little school there; and they visited her, and informed her that she could not teach school there. They went on down a little further, and beat another colored man pretty severely. She wrote me word of it. She had to write me notes—just write them and leave them open, and send them up by the railroad; for we could not get a letter through the post-office, for they were liable to be broken open. I used to send for her to meet me at Crawfordsville; I think that twice during that time I met her there. I remained in Atlanta, and went backward and forward from Atlanta. My father and mother lived at Crawfordsville; my father was living at that time; that was in 1868. In 1869, I think, the legislature convened. I was out at that time. Mr. Adkins was in the legislature, and when the legislature adjourned, he went from here to Washington.

Question. In which branch was he?

Answer. In the senate. He was warned by his friends not to go home. He went to Washington, and when he returned to Augusta, his wife met him there. He was one of the best men I ever saw; I thought he was as good a Christian as ever lived. He was frequently in the prison, and in other places where his prayers were needed. During the constitutional convention we had prayer-meetings, a portion of us, sometimes during the week. His wife met him in Augusta. She went to her home, and was to meet him at Dearing, on the Georgia Railroad, where I had lived. She left her buggy and horse at Dearing, as well as my memory serves me. On Monday morning they came up from Augusta to go to his home, about eight miles off. When he got to Dearing—I suppose about 9 o'clock in the morning—twenty-seven miles from Augusta, he and his wife got off to go home. There, I suppose, he met as bad a parcel of white men as there is anywhere; I do not suppose the world produces as bad men as there are in that place. Some of his friends told him it would be dangerous for him to go home, but he told them he would risk it. Before he concluded to go home, he concluded to get on the train and go back up the road, but they refused to let him do it. He was left there——

Question. Who refused to do it?

Answer. Those rowdies that were at that place. They just interfered, and took off his horse and buggy where he could not get hold of them. He and his wife were there without any friends. He concluded to walk, leaving his wife to get his buggy. After he had gone from there a little while, they let his wife have his buggy, and she went on after him. But before she got to him they had killed him; a couple of men went on after him and killed him.

Question. Do you know who killed him?

Answer. I have heard. I keep a public house here, and I hear a great deal of what has taken place from persons who come up here. After they killed Adkins, they visited my wife that night in disguise, broke down my doors, and went to my wife and asked for Romulus. They said that Adkins was dead, and they wanted to carry me to Dearing. She said, "Who?" They said, "Romulus; Adkins is dead, and we want to carry him to the burial." She said, "He isn't here; he is in Atlanta." Then they shot off about twenty guns, and disturbed the black ones a great deal. She informed me the next day, and I wrote her to sell out her things as quick as she could, and come to Atlanta. She did so, and we have remained here ever since.

Question. You have not been back there since?

Answer. No, sir.

Question. Who were those men who came to your house the first time?

Answer. Mr. James Wilson, and Mr. Shephard Wright—I do not remember his middle name—and Mr. George Stoball, now elected a member of the legislature from McDuffie County, which has been made out of that county, and Thomas Steed. Those men cannot deny they were there. There was a young fellow there named Thomas Scott, and there were several others there I did not know. I knew as many as half a dozen of them, but the others I did not know.

Question. Who was this neighbor of yours they had whipped the night before?

Answer. Tom Richards.

Question. What had they whipped him for?

Answer. Ah! Lord knows; I cannot tell you.

Question. Had he been a leading man among the colored people there?

Answer. Well, he had not been particularly leading, but he had done a great deal for the convention, telling the people about it; and he was a very smart man, too.

Question. What sort of an election did you have there in 1868, for President?

Answer. I was not there, but I am satisfied I am correctly informed about it; Mr. Josiah Sherman, senator from that district, informed me. Columbia, Wilkes, and Lincoln Counties constituted the senatorial district. He said they had great difficulty in getting republican votes for the republicans in that county. The party got some soldiers, that were going up to protect the election, to carry some republican tickets to a prominent colored man, and they gave them to this colored man. The democratic party did not suppose there was a radical ticket in the county. This colored man came to the polls and distributed one of those tickets. They arrested him and demanded where he got it; and he said the soldiers gave it to him. They took the rest from him, and armed themselves, about a hundred of them, and went down to the camp, and demanded what right the soldiers had to issue tickets to the negroes. They said to them that their business was to keep the election quiet, and not to issue tickets. That demoralized the colored people, and there was no more voting for them. We know that was the only republican ticket cast in the county.

Question. That was the only vote that General Grant got?

Answer. Yes, sir.

Question. You were credibly informed that this occurred as you have stated?

Answer. Yes, sir.

Question. How was the election last winter?

Answer. I am not able to inform you how it was; but I do not suppose there were many republican votes cast in the county.

Question. How many republican votes and how many democratic votes are there in that county, if the people were all free to vote their sentiments?

Answer. I will give you the truth according to the best of my judgment. As I told you before, when I registered the county there were about 1,800 colored votes there, and the principal part of them were republicans; there were but very few that were not republicans. We registered the second time, and, as well as my memory serves me, I think we registered about 900 colored votes, and about 300 white votes, about three to one. There were about 600 white votes registered the first time. I think there were between 30 and 40 white republicans. I and Mr. Anthony both tried to find out how many white republicans there were in the county; and our estimate was that there were only some forty odd.

Question. Do you suppose the proportion of democratic colored men would be about the same as of white republicans?

Answer. Just about.

Question. There were some colored democrats?

Answer. Yes, sir; and we could always tell them very well, because they would not mix with us at all. I think there were about 40 or 45; not more than that.

Question. You were in Washington some time last year?

Answer. I was.

Question. Why were you there?

Answer. We were on there to try, if possible, to defeat what was known as the Bingham amendment.

Question. You went there as a member of a committee?

Answer. Yes, sir.

Question. Why did your people wish to have that amendment defeated?

Answer. We knew that if it was passed it would fasten upon us a law in Georgia that would be against our interests; that was one of the main reasons.

Question. What has been the effect and operation of the Bingham amendment?

Answer. I think it has produced some effect. I think if that amendment had passed we would have been in a worse condition; we are in a bad condition now, any way; but then we would have been in a worse condition entirely in regard to legislative matters.

Question. Why have you not gone down to your old home and prosecuted these people?

Answer. I was satisfied that I could not get justice in any court we might prosecute in there.

Question. You have spoken of disguised men who came to your house; were they what are called Ku-Klux?

Answer. Yes, sir.

Question. What do you know of that organization in that county and elsewhere in this State?

Answer. Well, I have reason to believe that there is a large organization existing in this State, from what I have heard from colored men who have been at my house, and from colored men I have seen beat up; not only colored men, but white men, and not only beat, but killed. I am here at headquarters, and that is one of the great reasons I was afraid to go home; I knew such an organization existed in my county.

Question. What is the object of that organization?

Answer. To control the colored votes. They said to me that night, "You think that you negroes and radicals are going to control this country; but white men at the North, the aristocracy of the North, have always controlled the poorer classes of people, and we intend to do it here." I am satisfied the object is to keep the colored people in subjection. I know very well there has always been a patrol law in this country; and this is the same, only in a worse form. While we had masters then that would protect us, and not suffer them to abuse us beyond the law, this is turned loose without any restraint at all; they do as they please. I went to Louisiana, as one of the leaders of my people, to look for lands and see if we could not be better protected there, as Ku-Kluxing was so bad here. Just before we were reinstated in the legislature I went to Louisiana and examined the country to see if we could not find a more quiet country than this, and if we could, to get means to go there; to get some gentlemen to help us with money. We calculated to collect a large body of colored people and go on some land there. But Congress passed an act to reseat us. When I returned home I met one of those gentlemen who had visited my house that night; I met him in the street here. He said he was glad to see me, shaking my hand heartily. I said to him, "Captain, do you think I could go home and stay there peacably?" He said, "I think so." I said, "I doubt it very much." I then said, "I am happy to say that I am just from New Orleans; my business there was to get means and lands for our people; they are looking to me, if possible, to do something for them in their situation, for I had better means than they; I have found means and money and land, and men who told me they are willing to furnish their money by the thousand if I will get up immigration to cultivate their lands." I said, "I believe we can be successful there. Now, let me tell you that this Ku-Kluxing arrangement you have got up for political purposes will injure you financially; you will drive all the labor out of the country. You know that the colored people are the most successful laborers you can get, and yet you encourage a class of people to assist in Ku-Kluxing them." I said to him, "I have the proof of that; there is a man just before us who inherited 10,000 acres of land from his uncle. He settled it up by colored people principally; that is, got them on it, and they were farming successfully. These peorer men said that Battle should not settle the best of his land with negroes, and deprive them of it, when they had the right to occupy it, and they commenced Ku-Kluxing. Now, you go to Mr. Battle and he will tell you so. You will drive the colored men out of the country, and it will leave your land worthless." He agreed with me, and I said, "You know that Ku-Kluxing was for political purposes; you know that I know it; you don't think of the financial operation of it. You know that a dozen persons have gone out of that county since this Ku-Kluxing commenced. You gentlemen who own the land never thought about that thing." He acknowledged to me that he had not thought about it; that they were so anxious to control them politically that they forgot entirely their great interest pecuniarily. I said to him, "Inasmuch as we are restored back to our seats in the legislature, and our rights will be guaranteed to us in the State, we will try it a little longer and see if it will be any better in this State." These men, what we used to call patrols, had got such a hold that they could not do anything with them. Those men who had started it could not stop it when they tried to stop it. They threatened such men as Mr. Holliday down here. They are opposed to the colored men occupying a piece of this land; that is one of the main reasons for this Ku-Kluxing. I know this thing; I have examined it well.

Question. How do you think your people feel, that is, the portion of the people that went willingly and heartily into the rebellion, about the thirteenth amendment; are they willing to let that stand?

Answer. Well, I do not know; I cannot say. They say they are willing to let it stand. But I can simply say to you that Mr. Davis, when he passed through Atlanta a short time ago, made a little speech at the Kimball House; so I was told. I think he told the younger generation to still be in hopes; that the time would come when probably their rights would be restored to them.

Question. What did he mean by that?

Answer. My judgment was that he meant that the property which had been taken out of their hands would be restored.

Question. Negro property?

Answer. Yes, sir.

Question. In other words, that the negroes would be restored to slavery?

Answer. We do not know what else it means, unless it means that.

Question. What is their feeling in regard to the other amendments, those that give to the colored men their civil and political rights?

Answer. You can see the course advocated by Mr. Stephens in the Sun.

Question. Have you ever had any conversation with Mr. Stephens on that subject?

Answer. Yes, sir.

Question. What does he say about your people voting?

Answer. I disremember exactly what he said about that. He spoke a great deal about their incapability.

Question. Did you use to see him during rebel times when he was vice-president of the southern confederacy?

Answer. Yes, sir. I used to pass up and down the Georgia railroad; I used frequently to visit the people I formerly belonged to. I got them to buy me, because colored people could not hold any property. On one occasion I came down with Mr. Stephens just after they had broken up at Montgomery, Alabama, where they first established their headquarters. I was with him on the train when we got to Thompson, near where I lived. They were mustering a company there then. Some of them whispered about that Mr. Stephens, vice-president of the southern confederacy, was on the train. One gentleman came in and begged him to say something to the people. He would have declined, but they insisted upon it. I never shall forget what he said.

Question. What was it?

Answer. He said: "Fellow-citizens, I am glad to meet you armed and equipped as you are; I am happy to say to you that though Virginia is said to be out, I say she is in, (that is, in the southern confederacy.) I am glad to meet you armed and equipped as you are; we will have use for you in a few days."

Question. The question I wanted to ask of you was, (and I want your opinion about it, because you represent one class of the people here,) whether you believe that the men who went into the rebellion and attempted to establish the southern confederacy, if they had the power would give you your liberty, and with it your civil and political rights?

Answer. I do not think they would. I am as well satisfied of that as that I am living. I speak that conscientiously, in the presence of my God.

Question. Is that the general belief of your people?

Answer. Yes, sir, it is; I am satisfied of that, because it is said that actions speak louder than words.

By Mr. BAYARD:

Question. You have been asked about Mr. Stephens. The speech of Mr. Stephens to which you refer was during the war, in 1861?

Answer. I disremember exactly the year, but I know it was after they moved from Montgomerey.

Question. At the time of the removal of the confederate capital from Montgomery to Richmond?

Answer. Yes, sir.

Question. The visit to your house first was by a party of men who came rudely into your house, without disguises; that was in 1868, in the month of July?

Answer. I think it was in July.

Question. The assault on your house was subsequent to that; about how long after that?

Answer. About a week.

Question. You were informed that they were then disguised?

Answer. Yes, sir.

Question. You were not present then?

Answer. No, sir.

Question. You have not seen a band of men disguised?

Answer. No, sir.

Question. Your statements about them are from statements and rumors from other people?

Answer. Yes, sir; I have seen their effects, that is all.

Question. You have described your duties; you were a registrar and a member of the legislature?

Answer. Yes, sir.

Question. Who was elected with you in 1868?

Answer. Mr. Josiah Sherman.

Question. Was he a white man?

Answer. Yes, sir.

Question. Who were elected at the next election in 1870?

Answer. We were elected to the constitutional convention, and then there was an election for members of the legislature.

Question. You were elected to the convention?

Answer. Yes, sir.

Question. How many black people were in that convention?

Answer. Thirty-two or thirty-three.

Question. And about the same number in the legislature?

Answer. I think there were probably one or two more.

Question. How many are there in the present legislature, the one that is to convene next week?

Answer. I am told that there are about twenty.

Question. Who are the representatives from Columbia in the coming legislature?

Answer I think one Mr. Lamkin was elected from that county, and that Mr. George Stoball was elected from McDuffie County, which was taken from that county. Mr. Lamkin represents Columbia, the county I represented, and Mr. Stoball represents McDuffie County.

Question. Are they both white men?

Answer. Yes, sir.

Question. You keep a public house in town here?

Answer. Yes, sir.

Question. What is its name?

Answer. I call it Willingham Building.

Question. It is a house of public entertainment for people of your own color?

Answer. Yes, sir.

Question. None others frequent it?

Answer. I do not turn off anybody else that comes.

Question. It is kept by you for colored people?

Answer. Yes, sir.

Question. Of what denomination are you a minister?

Answer. The Baptist denomination.

Question. Do you continue to preach?

Answer. Yes, sir.

Question. Of what church are you pastor?

Answer. I have never been dismissed as pastor of the church in Columbia County. When I left my county my credentials still remained in the church, but I preach here in town.

Question. Have you been continuing these two avocations in this town since 1868?

Answer. Yes, sir.

Question. You spoke of the canvass in your county for the legislature. Did you make public speeches in that canvass?

Answer. Yes, sir.

Question. And expressed your political views?

Answer. I did.

Question. Were you interfered with at all?

Answer. No, sir, not at all. The military were over there then, and of course we had good protection.

Question. You have had soldiers since that time—at the last election?

Answer. Yes, sir; we have not had an election without soldiers.

Question. You said that the troops carried down with them the ballots for the republican voters?

Answer. Yes, sir, the republican tickets.

Question. When you first registered that county, what were the number of voters registered?

Answer. About eighteen hundred colored and six hundred white.

Question. What was the next registration?

Answer. About nine hundred colored, and about three hundred white.

Question. What caused that diminution of one half in the number of voters?

Answer. The last registration only took in those that came of age since the fi t registration.

Question. That was an additional registration?

Answer. Yes, sir.

Question. The vote had increased that much?

Answer. Yes, sir.

Question. The white people increased three hundred votes, and the colored people nine hundred votes?

Answer. Yes, sir.

Question. Who made that registration?

Answer. I made it. Our term did not expire until the second registration was made.

Question. You were asked in regard to the ratification of the thirteenth amendment abolishing slavery. Are you not aware that Georgia ratified that amendment freely?

Answer. I know Georgia ratified it.

Question. You were asked whether you thought the people of this State would abide by that?

Answer. Yes, sir; and whether I thought they really approved it.

By the CHAIRMAN:

Question. I limited my question to those who had been in the rebellion.

Answer. Yes, sir; that is the way I understood it.

By Mr. BAYARD:

Question. Did not all the people of this State very generally take part on the southern side in the late war?

Answer. Yes, sir; it was a general thing.

Question. It was a movement of the whole people of the State?

Answer. Yes, sir, excepting a very few. There were some few good Union men. A great many men were forced into it.

Question. You have spoken of a speech of Mr. Davis. Did you hear him make it?

Answer. I did not hear it, and I said so; but I saw it in print, and I heard it spoken of afterwards.

Question. On the basis of that speech, you consider that the nullification of the thirteenth amendment was threatened?

Answer. That was my understanding of it.

Question. It is upon that basis that you make your statement now as to the disposition, on the part of the people of Georgia, to nullify it if in their power?

Answer. I thought that, inasmuch as he had been a leader of the people, he would probably like to try to lead again.

Question. That was the foundation of that opinion?

Answer. Yes, sir.

Question. When was Mr. Adkins killed?

Answer. As well as my memory serves me, I think he was killed in the spring—well, I cannot tell. It was after we were expelled from the legislature, in 1868; and I think Mr. Adkins was killed in the spring of 1869, as well as my memory serves me.

Question. You considered him a very good man?

Answer. I did think so; I did, indeed.

Question. Were you aware that there were letters in existence at that time, from Mr. Adkins, making dishonorable proposals to a lady who had visited his family?

Answer. I did hear that, but I could not credit it.

Question. You had no knowledge of that fact at the time you formed your opinion?

Answer. No, sir. I was with Mr. Adkins at prayer-meetings, and was with him frequently otherwise.

Question. Was he a preacher?

Answer. Yes, sir.

Question. Of the same denomination as yourself?

Answer. No, sir; he belonged to the Methodist Episcopal Church. I came to the conclusion that he was a good man, and that if they killed as good a man as he, I could not risk myself. I had every confidence in that man; I did, indeed. There may be letters in existence such as you speak of; I have heard such reports; but I could not positively believe it. I saw the man here while in the convention. He frequently would go to the jail and advise with the prisoners and pray with them. He met with us in prayer-meetings. It is not possible that the man should have been such a devil as that. I do not think it is true, though it may be.

By Mr. SCOFIELD:

Question. Do not these people almost always get up some such excuse when they injure any one?

Answer. Yes, sir.

Question. And telegraph it to the North?

Answer. No doubt of it. I think Mr. Adkins was as good a man as ever lived.

By Mr. BAYARD:

Question. Are you aware that credible gentlemen from this State have stated on their oaths that they have examined those letters, and know that they do exist?

Answer. No, sir.

By the CHAIRMAN:

Question. Have any such letters ever been produced and published?

Answer. Not to my knowledge.

Question. He was killed more than two years ago?

Answer. Yes, sir.

Question. And his being killed produced a great sensation throughout this country, and was very bitterly denounced by his friends?

Answer. O, yes, sir.

Question. Do you believe that if there had been any such letters in existence they would have been kept secret, and not published long ago?

Answer. I am satisfied they would not have been. I have the utmost confidence in that man.

Question. Let me ask another question: Whether men who are concerned in these outrages are not men, some of them, who claim to be of very high standing?

Answer. No doubt of it.

Question. Would the men who were concerned in killing him be any too good to blacken his memory after his death?

Answer. Certainly not. The colored people have told me the name of the man who killed Adkins; they came upon an excursion right out of that country, and stopped at my house. He is a man of as high standing as there is in Columbia County.

By Mr. BAYARD:

Question. You say you were raised by respectable people, and have always lived among respectable people?

Answer. I have.

Question. I will ask you whether among respectable people, white or colored, it would be considered usual, or even possible, for letters of an insulting character to a lady to be published at all; whether they would publish insults of that kind, or whether they would keep them to themselves, unless they meant to act on them?

Answer. I will answer that question by saying that a few days ago a young lady who was disgraced, a little below here in our town——

Question. In what town?

Answer. Decatur, in De Kalb.

Question. A white lady?

Answer. Yes, sir. A young lady was disgraced, six miles from here, and the whole transaction was published.

Question. She was ravished by whom?

Answer. She was taken advantage of by a minister; that was published.

Question. That is the way you answer my question?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 28, 1871.

JAMES SKILES sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your present occupation?

Answer. I am twenty-eight years old; I was born in Montgomery County, Ohio, and I now live in this city; for the last four years I have been engaged in secret service for railroad companies and express companies; within the last few weeks I have been assisting the United States marshal in this place.

Question. In what way have you assisted him?

Answer. As special deputy.

Question. Executing processes, &c.?

Answer. Yes, sir.

Question. Has your business in behalf of railroad companies and express companies, and as special deputy marshal, given you an opportunity to see anything of the State of society here in Georgia?

Answer. Since I have been in Georgia, for the last eighteen months, I have been confined to this city. Before that time I was working in Georgia, Tennessee, and Alabama, and traveling most of the time.

Question. State whether in your movements you have discovered indications of an organization of people extending through the country, or any part of it, that are popularly called Ku-Klux.

Answer. Do you mean in this State or in Tennessee?

Question. Anywhere.

Answer. I have seen people in disguise, both in Tennessee and in this State.

Question. How long since you first saw them?

Answer. I saw them some three years ago in Tennessee.

Question. Did you see them in Tennessee before you saw them in Georgia?

Answer. Yes, sir.

Question. How long since you have seen them in Georgia?

Answer. I saw them in a body not more than two weeks or ten days ago. We made an arrest of parties in Jackson County who were charged with having committed of-

fenses, and while I had the prisoners under arrest parties rode by in disguise, covered up so that I could hardly tell whether they were men or women, except that they were in disguise.

Question. In what numbers were they?

Answer. I only saw two. I heard several whistles blow, like police whistles, and parties told me they were Ku-Klux whistles.

Question. Several witnesses have spoken of that whistle; have you heard it in any other locality?

Answer. Yes, sir. I saw seventy-five men in disguise in Dade County, in this State, and they had whistles and blew them.

Question. Did they use the same signal in Tennessee?

Answer. I know that they had a whistle, but I do not know whether they had the same signal on it.

Question. The whistle you heard in Dade County was similar to that you heard in Jackson County?

Answer. Yes, sir.

Question. How far is Dade County from Jackson?

Answer. Dade County is the last county in the State, in the corner between Alabama and Tennessee.

Question. The northwestern county?

Answer. Yes, sir.

Question. How much have you been in Dade County?

Answer. I was there about thirty days, I suppose.

Question. You spoke of seeing these people there; state anything you may know, or of which you are credibly informed, in regard to their acts and operations.

Answer. The night I saw them they took a telegraph operator out of the office, who was working for the Chattanooga and Alabama Railroad, and whipped him. I do not know how many lashes they gave him, but they cut the wires and broke up his instruments.

Question. What was the reason they gave for that?

Answer. I was sitting in a car near by while they were whipping him on the platform. As they stopped I heard them say that they "supposed he would stop shooting his mouth off."

Question. What did they do beside that?

Answer. That night they took possession of the train and held it for two hours, and went to Eureka and took out two colored men and their wives and whipped them. I could hear them screaming from where the train was. They then made the train back them up to the line of Tennessee and put them off.

Question. What railroad was that on?

Answer. The Alabama and Chattanooga.

Question. How long did they hold the train?

Answer. About two hours.

Question. How many of them were there?

Answer. They said they were seventy-five. I asked one of them how many there were in the party, and he said seventy-five.

Question. Were there passengers on the train?

Answer. Yes, sir.

Question. How were they treated?

Answer. They were very much frightened, the ladies and children especially; but they did not interfere with the passengers. About ten of them with their pistols in their hands walked through the coaches. The others rode in the smoking car, but ten or twelve rode back in the ladies' car.

Question. What means did they use to control the movements of the train?

Answer. They took charge of the conductor and engineer, and told the conductor if he did not do as they told him to do they would put an end to him.

Question. What was the object of this movement, so far as you understood?

Answer. I could not tell you.

Question. Did they attempt to plunder any one?

Answer. So far as I understood afterwards, they were looking for somebody on the train.

Question. Did you understand what the operator had done to give umbrage?

Answer. I understood from the conductor that at one time, when they had committed an outrage there, the operator had said they never could whip him, that he would die before the damned Ku-Klux should whip him.

Question. Did they whip him with much severity?

Answer. I think they must have given him thirty or forty lashes; three different ones whipped him. They made him stand on the platform and take off his coat and fold his arms.

Question. Do you know of any other operations of theirs in that region?

Answer. Nothing, of my personal knowledge; I have heard of other outrages committed there.

Question. Of what character?

Answer. Of a similar character.

Question. Have you heard of anybody being arrested or prosecuted, or proceeded against for these acts?

Answer. There has been none in that county that I know of.

Question. In what other counties have you been?

Answer. My business has been in Walton, Gwinnett, and Jackson Counties.

Question. When were you in Gwinnett County?

Answer. On the 13th of September.

Question. After the court-house there was burned?

Answer. Yes, sir; just after that.

Question. Did you make any efforts to bring to justice the offenders in that case?

Answer. Yes, sir; I arrested four parties against whom I had positive evidence of their being in disguise and burning the court-house. I could not get any justice of the peace to issue warrants against them.

Question. Why?

Answer. They said they had been threatened that if they ever issued processes against any of the party they would be burned out.

Question. What do you understand has been their line of operations in Gwinnett County?

Answer. Their line of operations has been to try and suppress any prosecution brought against any of the Klan, and to control the vote of the county, so far as my information extends. I presented a couple of letters to some one here from that county that were sent to me.

Question. You presented them to me, and I gave them to Captain Ricks, our clerk. You refer to these letters, [indicating two letters.]

Answer. Yes, sir.

Question. These are the letters?

Answer. Yes, sir; these are the two letters, and they were handed to me by the two gentlemen to whom they are addressed.

[The letters are as follows:

"IN THE PIT W. C. G.,
"*August* 18th, 1871.

"RICHARD C COLE

SIR You are respectfully refered to Messers D P Williams and N B Bates for information in respect to our klan You are represented as an informer an good and peaceful citisens in the interest of a Radical Solicittor General under Radical appointment If one syllable escapes you tending towards the conviction of any of the Parties against whom your name stands as a States Witness you will go to the uther side of Jordan in truth you are hereby notified to be gone and that quick

"By command of the Head Sovereighn.

"PALO STROUSKE 1*st Afist*"

"HEAD QUARTERS 4TH DIST. 8TH + 1871
"*August* 18*th*

"D P WILLIAMS

"SIRE You are hearby notified that your your name has been underscored by order a full meeting of the Brethren as a busybody in this private affairs of other men in this that you, (principally) together with N B B & R, M, C (casually) have lent your your tongues to a Radical Sal Genl for pecuniary gain or otherwise and you are here by directed to exhibit this document to the parties above naned and further You and each of you herein named are directed fully and freely by this notice to abstain from giving any Testimony that will go in the least towards the discomfort inconvenience or personal injury of any one person or persons now under Indictment in the Supr Court of Gwinnett Co Ga D P W is hereby instructed to absent himself from Gwinnett Co, by the morning 27th Aug and not again be formed within the limits of the same Untell the 18th day of September next to come Herein fail not Sir under penalty of severe consequences to you self—We mean business nothing else and nothing short of your due and propper obediance to the directions sit forth above will serve to shield you from what you richly deserve.

"Postively and unequivocally

"Head Center, of the Highest 3rd Degree of the Premier Grand Cy Clops"]

Question. Do you know anything about the persons referred to here?

Answer. Mr. Williams and Mr. Cole I know well.

Question. Do you know Mr. Bates?

Answer. I have seen him, but I do not know him personally.

Question. Is the name signed to one of the letters, "Palo Strouske," understood to be a fictitious name?

Answer. Yes, sir; that is the title of the head-centre of one of their dens.

Question. These letters are both mailed at Monroe, Georgia?

Answer. Yes, sir.

Question. Where is Monroe?

Answer. It is the county-seat of the county adjoining Gwinnett.

Question. Have you ever seen anything purporting to be a manual of this organization?

Answer. I never have.

Question. You have spoken of being in Jackson County?

Answer. Yes, sir.

Question. What state of affairs have you found there?

Answer. Very bad.

Question. Did you find this organization there?

Answer. Yes, sir; that is where I saw those two ride by.

Question. Did you make any arrests in that county?

Answer. I arrested thirteen.

Question. In connection with what case?

Answer. The case of a man by the name of Holliday.

Question. How did you succeed in making those arrests?

Answer. At night, with a squad of soldiers.

Question. Do you think you could have gone there and made arrests without the aid of soldiers?

Answer. I do not.

Question. Why not?

Answer. I was compelled to release four men in Gwinnett County.

Question. Why?

Answer. I was notified by citizens that if I attempted to take them any further than Lawrenceville I should be mobbed.

Question. What gentleman notified you?

Answer. A gentleman by the name of Simmons, if I mistake not, who is now a member of the legislature.

Question. Did he make the statement to you in the way of a threat?

Answer. He spoke of it in a threatening manner; he was speaking rather to the sheriff. I got the sheriff to put the men I had arrested in jail. I walked up to the sheriff and told him that if I could not get a trial for the men there, I would bring them to Atlanta; that the justice of the peace had refused to issue a warrant. This man Simmons turned and said that if I should dare to remove those men I would be mobbed; that I could not get out of the city with them; that there were plenty of citizens there who would prevent my doing so. Persons told me after they were arrested in Jackson County that if I had not had those damned Yankees with me I never would have taken them out of Jackson County.

Question. Why?

Answer. I suppose that they meant that they would resist me.

Question. So far as you have been operating in the State, do you believe it would be possible for the ordinary officers of the law to serve processes and make arrests of any of the members of this secret Klan?

Answer. It could not be done safely.

Question. Would there be a difference between arresting such persons and arresting persons for ordinary crimes?

Answer. Do you mean arresting the same parties?

Question. Yes.

Answer. I do not think it would be safe to undertake to arrest the same parties on any charge.

Question. Do you think they are bound together to protect each other in any crime they might commit?

Answer. I do.

Question. Even if it should have no connection with the organization?

Answer. Yes, sir, that is my impression, so far as I have been able to learn anything about them. I have had processes against them in all cases, both civil and criminal, under the laws of the United States, and under the State laws also.

Question. What has been the character of those processes?

Answer. Some for illicit distilling, and I had one case of a party receiving goods stolen from a railroad depot. I was threatened, and I turned the parties over to Captain Cook, at Chattanooga, for protection.

Question. Where was that property stolen?

Answer. In Hamilton County, Tennessee, five miles southwest of Chattanooga.

Question. From your best observation, what portion of the population of the several counties where you have been do you judge either belong to this organization, or are in full accord and sympathy with it?

Answer. From what I can gather, I think that in the counties where I have been working at least two-thirds of the able-bodied men belong to this organization.

Question. How about those who do not belong to it; do any considerable portion give them countenance?

Answer. Most all of them speak in favor of them. I have found but very few men who spoke against them; very few, indeed.

Question. How do you find that this organization is regarded in those communities; what do they seem to consider its purpose to be?

Answer. So far as I am able to find out, the purpose is to control votes and to suppress any prosecution which may be brought against any of their party.

Question. It is a political purpose?

Answer. Yes, sir.

Question To which party do you think the organization belongs?

Answer. So far as I have been able to find out, the conservative party has entire control of the organization.

Question. Which do you call the conservative party?

Answer. Well, the democratic party; they call it here the conservative party, I believe.

Question. I understood you to say that you were born in Ohio?

Answer. Yes, sir.

Question. How long have you been in the Southern States?

Answer. Since 1857. I came with my father when I was quite a lad. He brought some of the first machinery here for railroad purposes. I was serving my trade as an apprentice with my father. I am a machinist by trade.

Question. You were raised pretty much in the South?

Answer. Yes, sir; pretty much in Tennessee and Georgia; a little while in Kentucky.

Question. You are not what is called a carpet-bagger?

Answer. No, sir.

Question. So far as you have been able to observe, is this organization known as the Ku-Klux breaking up and scattering, or is it growing stronger?

Answer. To my own personal knowledge they have grown stronger for the last eighteen months; I have seen and heard more of them during that time than ever before.

Question. What do you think their effect has been upon the courts?

Answer. In these out counties they control pretty much everything about the State courts.

Question. How about the Federal court?

Answer. I could not speak only so far as regards the juries. I think the juries are controlled, to a considerable extent, by them. I have reason to believe it.

Question. What are those reasons?

Answer. One reason is that I have furnished positive testimony before a grand jury, and they have never found bills upon it.

Question. Do you know whether any of the men who compose the Federal grand jury either belong to the order or are related to men who do belong to it?

Answer. I have understood that one of the late grand jury here belonged to the order.

Question. You speak of their having control of the courts; in what way?

Answer. Through the juries and officers.

Question. Have you ever known of their exercising intimidation upon a grand jury or a traverse jury?

Answer. Not personally; I have heard of it, though.

Question. Has anybody ever admitted to you that he belonged to this order?

Answer. Yes, sir.

Question. Who was it?

Answer. One of the persons I arrested in Jackson County.

Question. What was his name?

Answer. Joseph Jones.

Question. What did he tell you about it?

Answer. After I had arrested him and we had got some three hundred yards from his house, he was very much frightened on seeing the soldiers. After getting over the excitement a little, he said he was innocent of the charge Mr. Holliday made against him; "but," said he, "I do belong to a disguised band, but the other boys"—and he named some of them—"were guilty of the assault on Mr. Holliday." He went no further with it that night. By that time we came up with the balance of the prisoners, and after he got with the other prisoners he refused to tell anything more. My opinion was that they posted him not to state anything.

Question. How many instances have come under your observation and within your knowledge, in the course of your operations, of men who have been abused in their persons by parties of this organization?

Answer. They are too numerous for me to state; I could not state them.

Question. Have you ever known of a single instance of a man being brought to trial and punished for acts of this sort?

Answer. I never have.

Question. You have said something about the political character of this organization. To what political party do the victims of this organization generally belong?

Answer. They generally belong to the radical party, as they call it here.

Question. Where any democrats have been molested, have they been men who have tried to protect negroes, and to bring these men to punishment and justice?

Answer. Yes, sir; where democrats have been acted upon by them that has generally been the case; or, as in the case of Mr. Williams, who had freedmen in his employ, and was compelled to discharge them and employ white men. They have tried to control their votes, and if they could not control them they generally brought about a disturbance. I generally find it in that way.

Question. What reason do they assign for any of these acts of theirs?

Answer. I never heard any of them assign any reasons. All I know is in the depredations they have committed. They have generally brought up the accusation of the party being a damned Yankee, or a damned radical, or something of that kind.

Question. Have they killed any persons, to your knowledge?

Answer. Yes, sir; they killed a detective working with me.

Question. What was his name?

Answer. Barmore.

Question. Where was he killed?

Answer. In Tennessee, out near Columbia, about Duck River.

Question. At what time?

Answer. I think it was in 1869.

Question. Do you know what the democrat papers said about the killing of Barmore?

Answer. I remember part of it.

Question. What was it?

Answer. It was that they thought he had run away and had never been killed at all.

Question. That he had committed some crime and had run away?

Answer. Yes, sir; that he had committed a crime and had run away.

Question. Was his body ever found?

Answer. Yes, sir; his body was found and sent home; I recognized it myself after it was brought to Nashville.

Question. You did not see it as soon as it was taken out of the river?

Answer. I saw it the second day after.

Question. What did the papers say after his body had been found?

Answer. They had some little paragraph that he was killed.

Question. Who was Barmore?

Answer. He was employed for some time as special agent for the Treasury Department. He had been suspended or discharged, and was working for the State of Tennessee at the time he was killed. He and I were working on the same case; on a Ku-Klux case.

Question. At the time the State legislature of Tennessee was making an effort to expose the organization?

Answer. Yes, sir; about that time.

Question. There was a joint committee of the two houses taking evidence?

Answer. Yes, sir. At the time he was killed he was going to prosecute one who was supposed to belong to that party for some crime in Giles County.

Question. Under what circumstance was he killed?

Answer. The conductor of the train told me that he was lying asleep on the train, and these parties came in and took him from the train and carried him into the woods, and that was the last seen of him alive.

Question. Where was this order supposed generally to have originated; in what part of the country?

Answer. I have been told two different stories about it. I was first informed that it originated in North Carolina; after that I was told that it originated in Florida.

Question. How does their conduct in point of violence and lawlessness now compare with what it did in the beginning?

Answer. It is getting more severe daily, and they are committing more acts of violence.

Question. Do you think there is any law that is enforced, or, in the present state of things, can be enforced, in this country to prevent these acts and protect the victims of this organization?

Answer. I do not think one of them could be tried and punished in this State, or in any other of the States that they exist in; that is, in any State where I have been.

Question. Do you suppose if the governor of this State, the chief justice, or any of the prosecuting officers, should be set upon by them and either whipped or killed, it would be possible to bring the offenders to justice?

Answer. I do not think it would.

By Mr. BAYARD:

Question. You have been employed for some time in following these people up?
Answer. I have been employed in the secret service for some time.
Question. For what department?
Answer. For railroads and express companies.
Question. How were you employed in Tennessee?
Answer. I was employed by the governor of the State there.
Question. As a special detective?
Answer. Yes, sir; on that special case.
Question. What time in 1869 was that?
Answer. I think it was the first part of 1869; I cannot recollect the precise date
Question. About two years and six months ago?
Answer. Yes, sir.
Question. How many troops did you take to Jackson County?
Answer. Eleven soldiers.
Question. How many accompanied you when you made your arrests?
Answer. I had six men in each party.
Question. Did you meet with any actual resistance while making those arrests?
Answer. None at all; I did not give them any chance to resist.
Question. I asked you what was the fact?
Answer. I wanted to explain that I did not give them any chance at all to resist me, for I surrounded the house with soldiers the first thing I did, and they showed no resistance at all.
Question. There was no resistance offered in any of the counties or in any of the neighborhoods?
Answer. No, sir, except this perhaps; they rode around us in the morning and blew whistles?
Question. How many prisoners had you?
Answer. I arrested thirteen, but at that time I had only eleven?
Question. No attack was made on you as you came through the county.
Answer. No, sir.
Question. You spoke of arresting a man in Gwinnett County?
Answer. Yes, sir.
Question. What warrant had you for that arrest?
Answer. I had no warrants; I could get no warrant.
Question. Did you arrest them without any warrant?
Answer. Yes, sir; on suspicion.
Question. At whose request did you go down there?
Answer. At the request of the sheriff of the county.
Question. What county?
Answer. Gwinnett.
Question. He sent for you to come down there and assist him in hunting up the perpetrators of the burning of the court-house?
Answer. Yes, sir.
Question. You had no warrants, but arrested those men without warrants?
Answer. Yes, sir.
Question. Did you make a forcible arrest?
Answer. I told the men I did not have any warrants, and what they were charged with, and they came right along.
Question. You had no warrant?
Answer. No, sir; but there was quite a crowd of citizens with me at the time I did it, including the sheriff himself.
Question. The statement of that lawyer, or some one there, was that you could not take those men out of the county?
Answer. It was that I could not take them out of the city. In making these arrests, I found those men running an illicit distillery. I was deputy United States marshal, and I arrested them for that.
Question. Had you a warrant for that?
Answer. I had blank warrants, which we take with us for such cases.
Question. They were warrants for committing any offense?
Answer. For illicit distilling.
Question. You carry these blank warrants against distillers.
Answer. Yes, sir. Reports are made here against distillers, and the person making the report will often say he does not know who is the person engaged in distilling.
Question. And you have a warrant in blank.
Answer. The warrant is all filled up except the name.
Question. And when you get out there you can put in any man's name you please?
Answer. The name of any man I find violating the law.
Question. How long has that been customary?
Answer. I have done it only in a few cases.

Question. How many warrants had you on that occasion?
Answer. Only one. There was only one still reported, and I filled up the warrant with the names of those I found distilling there.
Question. Those were the four men you wished to remove to Atlanta?
Answer. Yes, sir.
Question. And this man told you that you could not take them beyond the limits of the county?
Answer. He said that I could not take them out of the city where we were.
Question. What city was that?
Answer. Lawrenceville.
Question. Did he tell you about taking out a writ?
Answer. No, sir. I said I was a deputy United States marshal, and I showed them what I wanted. The sheriff of the county asked for them to have a committing trial upon the charge of burning the court-house before I brought them away. He went to two different justices of the peace to get them to issue warrants against the parties on that charge, and they refused to do it.
Question. Was there an affidavit prepared to show ——
Answer. The sheriff had his witnesses there who were willing to make the proper affidavits upon which to have the warrants issued.
Question. And the justices of the peace would not issue the warrants?
Answer. They would not.
Question. When did you come into Georgia?
Answer. I have been here back and forth ever since the war, and, in fact, during the war.
Question. How long have you been living in Atlanta?
Answer. I call Atlanta my home now, and have for some time.
Question. How long?
Answer. For eighteen months.
Question. You spoke of a case in Dade County; how long were you there?
Answer. About thirty days; I was through Dade County several times.
Question. When you were asked if you ever know of any arrests and punishments in Dade County, your experience was confined to those thirty days?
Answer. Yes, sir.
Question. What was the name of that operator there who was whipped?
Answer. It was Cunningham, or Cummings, I will not be positive which.
Question. You had no knowledge of any offense that he had committed, except that he had said they could not whip him?
Answer. I suppose so. They used the expression that "he had been shooting his mouth off."
Question. How long have you been deputy United States marshal?
Answer. Since the 1st of September, 1871.
Question. How long were you in Jackson County?
Answer. Three days.
Question. Were you ever there before?
Answer. I never was.
Question. Have you been there since?
Answer. I have not.
Question. And your whole knowledge of Jackson County you derived during the three days you was there?
Answer. Yes, sir.
Question. Did you have to handcuff those men you brought up here?
Answer. Four of them I did.
Question. Do you know the number of arrests or the number of presentments by grand juries made in Dade County against these offenses?
Answer. If there have been any I do not know it.
Question. Do you know whether there have been any or not?
Answer. I do not think there have been any.
Question. Do you know whether there have been any?
Answer. I do not.
Question. Have you any knowledge on this subject?
Answer. I have acquaintances there who would have told me about it. I saw a party from there yesterday.
Question. Did you inquire upon that subject?
Answer. We were talking about the subject. We were talking about parties arrested in Hamilton County on the same charge.
Question. Is that an adjoining county?
Answer. Yes, sir.
Question. Were those parties arrested in Hamilton County from Dade County?
Answer. I could not say.
Question. Are you still in the detective service of railroad companies?

Answer. Yes, sir.

Question. The sheriff of Gwinnett County summoned you down there to aid him in looking up these fellows?

Answer. Yes, sir. I will state one thing which I did not state before. In following up these fellows I found a disguise or a cover for a man, and some coverings for horses. Three horses were in a lot there all jaded out and tired. We tracked the horses right along, and they led to the place where they were distilling.

Question. Let me ask you whether these klans are in any way connected with the protection of illicit distillers?

Answer. I think they are; I do not know positively, but that is my impression.

Question. Are there a great many of these illicit distilleries in this State?

Answer. A great many.

Question. You have spoken of a member of the grand jury who you said was a member of this organization?

Answer. I did not say that he was a member of it; I said I was informed so.

Question. What was his name?

Answer. I cannot tell you his name. He was from White County.

Question. Have you any personal knowledge upon the subject at all?

Answer. Only from information from another party who ought to know.

Question. You believe that he is a member of that organization?

Answer. I would believe what the other man told me, and he said that this party was a member of the Ku-Klux organization.

Question. Excepting the young man in Jackson County who told you that he belonged to the organization, and the person from White County that you believe belongs to it, have you any personal knowledge of it?

Answer. No, sir.

Question. Have you any knowledge of the members of this Klan?

Answer. I can tell of members reported to me by parties who have been outraged.

Question. It is from those parties that you gain your knowledge?

Answer. Yes, sir.

Question. Are you aware that this committee have had before them a very large number of persons who have been outraged?

Answer. I have seen some of them here; they have talked with me about it.

Question. When you say that, in your opinion, two-thirds of the people of the county belong to such an organization, have you any personal knowledge of that fact?

Answer. Only what I speak of.

Question. That is your opinion?

Answer. Yes, sir; and my reason for thinking so is the reports made to me by parties who have been outraged.

Question. How many do they ever tell came at one time?

Answer. They say that from ten to fifty, and sometimes more, come at a time.

Question. Did you consider what the population of those counties was?

Answer. I have been told that they have three dens in each county, and if they have that many in each den, it must take that many to make up all the dens in the county. One man told me that he was asked to join them, and that he got far enough along with them to know that they had three dens in each county, and there were from seventy-five to a hundred in each den.

Question. In what county was that?

Answer. In Gwinnett County.

Question. It is upon those facts that you base your statement?

Answer. Yes, sir.

Question. Are there any rewards offered for those people?

Answer. I believe so.

Question. Are you to get any portion of those rewards?

Answer. I do not know whether I will or not. I have made several arrests, but so far I have not got any reward.

Question. What is the amount of the rewards offered?

Answer. I think it is $5,000 for the first person arrested, and $1,000 for each additional person, in this State, and $250 for each person arrested in Tennessee. I think it was that in Tennessee; I do not know what it is now.

Question. Upon what is that reward to be paid—upon arrest simply, or upon arrest and conviction?

Answer. Upon arrest and conviction.

Question. And you would consider yourself entitled to that reward if you succeeded in arresting and procuring the conviction of these men?

Answer. Yes, sir; but I think I would stand a very poor chance to get them convicted in the present state of affairs.

Question. Who offers those rewards?

Answer. Governor Bullock, the governor of the State.

By the CHAIRMAN:

Question. Who offered the rewards in Tennessee?

Answer. I believe Governor Senter.

Question. Have you any idea of the aggregate amount of the rewards offered by Governor Senter?

Answer. I have not.

Question. You have never heard him say anything about it?

Answer. I never have.

Question. You have spoken of going into Gwinnett County. You were deputy marshal at that time, I understand you to say?

Answer. Yes, sir.

Question. You found there some parties engaged in illicit distilling, and you arrested them?

Answer. Yes, sir.

Question. Did you consider it necessary to have any warrant to arrest them under those circumstances?

Answer. I did not.

Question. The law authorizes you to make arrests under these circumstances without a warrant?

Answer. So I construe it.

By Mr. BAYARD:

Question. What law?

Answer. I have been a civil officer and a detective officer; and I understand the law to be, that where a crime has been committed to the knowledge of such an officer, he would have the right to make the arrests.

By the CHAIRMAN:

Question. The right to arrest the person committing the crime, and to bring him where he could have his case examined?

Answer. Yes, sir; where he could be examined, or where I could procure a warrant for him.

Question. As to other offenses in the county of Gwinnett, you were in the immediate presence of the sheriff of the county, and acting under his order?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You were not there when the court-house was burned?

Answer. No, sir.

Question. That offense was not committed in your view?

Answer. No, sir; I was speaking of illicit distilling.

By the CHAIRMAN:

Question. Did the people in Lawrenceville know those men?

Answer. Yes, sir; they knew two of them.

Question. And, with that knowledge, and knowing your character, and your authority, they told you that you could not bring those men out of that place?

Answer. Yes, sir; they told me I could not bring them out. I showed my warrant to the attorney.

Question. In your first examination I understood you to say that you came to this State as early as 1857?

Answer. Yes, sir.

Question. And you have been here off and on ever since?

Answer. Yes, sir; I have considered myself a citizen of the State from that time on.

ATLANTA, GEORGIA, *October* 30, 1871.

B. H. HILL sworn and examined.

The CHAIRMAN. This witness having been summoned at your instance, Mr. Bayard, you will please begin his examination.

By Mr. BAYARD:

Question. Please state your age, your nativity, and your occupation.

Answer. I am forty-eight years old; I am a native of Georgia, and live in Athens, Georgia; my occupation is that of a lawyer and a planter.

Question. You have, in times gone by, I believe, represented the State of Georgia in the Congress of the United States?

Answer. No, sir; I never held any office under the United States in my life. I always belonged to the minority party—of the party called the old-line whig party, and such men as I am were never allowed to hold office except in exceptional cases.

Question. You are a practicing lawyer?

Answer. Yes, sir; my practice is over the State. I practice in no particular court, but go wherever I am sent for.

Question. My reason for calling you was partly based upon justice to yourself, and also to your people, of whom you are considered, I believe, a representative man, and of a large number of the people of Georgia. There has been a statement made before this committee by J. R. Holliday, of Jackson County, in this State, a man whose property and person have been assaulted by a band of disguised men in the course of the past summer. He stated that he had had a conversation with you, you representing professionally the men who had been arrested and charged with this offense upon him and his property; that in that conversation with you—held in this building, I believe, and in connection with the proposed return of Mr. Holliday to his home—you had guaranteed that he should be unmolested in returning; that the band who had annoyed him should be disbanded; that the organization commonly known as the Ku-Klux organization, which he charged with this offense upon him, was under your guarantee and your promise to him to be disbanded. I have thought it right to make this statement to you in order that you might state to us what you know in regard to any such organization, and especially what you know in regard to any such alleged guarantee and promise by you that you would procure the disbanding of such an association. To that you can make such reply as your knowledge of the circumstances may dictate.

Answer. The statement by Mr. Holliday is wholly untrue in so far as it represents me as having knowledge of any band, or as promising in any manner to disband any band, or to have any band disbanded. It is wholly untrue in every sense that implies that I had any knowledge or belief concerning any band of Ku-Klux, or other secret band, in the county of Jackson, or in any other county. I never, in my life, saw what you call a Ku-Klux to know that he was such. I never, in my life, had any knowledge of my own that any such band existed anywhere. I have heard of such organizations just as you have. I have not had the slightest knowledge of the existence of such bands, and, I am sure, I have been the furthest remove possible from any connection, directly or indirectly, by action, opinion, counsel, advice, or desire, with any such organization. If there be such an organization, there is no man in this country who can hold them in greater abhorrence than myself. Touching the Jackson prisoners, I will make this simple statement, as embracing all my knowledge of that transaction. On Monday morning, either two or three weeks ago—I think it was two weeks ago this morning—some gentlemen from Jackson County came into my office, whom I knew very well, and one of whom is an attorney in that county. They informed me that some eleven or thirteen citizens of that county had been arrested and brought to this city in handcuffs, charged with having in disguise assaulted this man Holliday—for whipping his wife was their statement. I knew not one of the persons so charged, but I had some knowledge of their families. Their fathers, their relatives, and a great number of citizens came with them, and they joined in giving me this assurance that they were not guilty of the charge. I replied that I would not defend a Ku-Klux, knowing or believing him to be such, because I desired if there was such an organization that it should be exterminated. But under this assurance of these gentlemen, and with the evidence they were ready to furnish, and assured me they could furnish, I was satisfied, whether Mr. Holliday had been assaulted or not, and by whomsoever assaulted, and for what cause, he had arrested the wrong parties in a great number of cases; certainly, the majority of them, in my estimation, were innocent. I said to them that I would undertake the defense of those gentlemen, and supposed they would be tried for committal before a commissioner. I then came up to see Mr. Smith, the United States commissioner, who informed me that, as the grand jury of the United States court was then in session, he would have nothing to do with it, but would turn the case over to them; and he did turn it over to them. During the evening of the second or third day—I am not certain whether it was Wednesday or Thursday, but I think Thursday—I called upon and saw the district attorney, and told him that I had seen that morning in one of the city papers that the Jackson County prisoners had been discharged and had gone home. That notice did appear in the Sun newspaper in this city. I told him that I desired to know whether the grand jury had found a bill or no bill; and I said that if they had failed to return a bill, I desired to know why those persons were retained in prison, because they were still in prison. He said the grand jury had not finally disposed of the matter; that he did not consider that they had finally disposed of the matter until they had returned in the court the result of their investigations; that he thought the matter would be terminated that afternoon or the next morning. Of course, I rested satisfied with that. A little while after that the district attorney said to me that he believed the grand jury would make their report in a short while, and that he was led to believe that

there would be no bill, which he regretted. He seemed to be anxious, very anxious, that a bill should be found. I told him that I did not think he was right in supposing that those parties were guilty; that I was satisfied that they were innocent, as they would be able to prove beyond all question if they came to a trial. He stated to me that this man Holliday, whom I had never seen in my life up to that time, was professing to be exceedingly alarmed for his personal safety on account of those men, should he return to his home and they not be put under bond; and that he would take proceedings, if possible, against them, in spite of the grand jury, or any return they might make. I simply said to him that I had no doubt in the world but what Mr. Holliday was mistaken; that if he was in danger at all it was not from the persons arrested, as I firmly believed, but that it was from persons he had not arrested and had not identified. I said that, therefore, any proceedings against these gentlemen, who were prepared to show their innocence, especially after the grand jury had passed upon the case, would be regarded as persecution, and would embitter the feelings of our people against the Government, which I was exceedingly anxious to avoid. He then said, "Will you assure Holliday then of that fact, of your opinion, that he will not be molested?" I said, "I will do so." I asked the gentleman who first came into my office, Mr. Silliman, to bring Mr. Holliday to me. He did so, and introduced him to me; that was the first time I ever knew him. I told Mr. Holliday the opinion I had in regard to his fears in the event the grand jury did not return a true bill, and that he would take other proceedings, in the belief that he was in danger of bodily harm. I told him that I was fully satisfied his apprehensions were not well founded; that from the knowledge I had of the evidence in this particular case I was fully satisfied that he had caused the arrest of the wrong parties; that he should not take further proceedings against them, after the grand jury should return no bill, because it would be regarded as persecution, and would aggravate whatever troubles might exist in the county, in that he would be punishing the innocent and not the guilty. I advised him not to do it. I told him that he should put himself under the protection of the good citizens of the county if he had such apprehensions; that I believed those good citizens would interest themselves in seeing that he was not interfered with. I told him that he must not prosecute men known to be innocent. That was all the assurance I ever gave to Mr. Holliday in my life, and that was in the presence of Mr. Silliman. In reply to my assurance, Mr. Holliday treated with apparent contempt the idea that he was afraid of anybody. He said he had whipped them once, and he only wanted the chance to do it again; that he had killed two of them already.

Question. Did he call the names of the men to you?

Answer. He did not to me, but I understood he called their names to Mr. Silliman. He told him, and in my presence, that he had killed those men, and would prove it when the trial came on. One of those men was then sitting by my side. I said, "Mr. Holliday, you are mistaken; the men you allude to as being dead are not dead; they are here alive and unharmed; you are simply mistaken." He insisted that he was not mistaken, and that he knew he did kill them, and that when the trial came on he would prove it. With great confidence he shook his head, and said, "I will show you." I said, "Where are their graves; where did you bury them?" He said, "Never mind, I will show you." But then he said, "Besides that, I broke the cheek-bone of one of the persons in jail, and I broke one of his arms." I replied to him, "I have been with those prisoners, counseling them, and no one has his cheek-bone broken or his arm broken; you must be mistaken." He insisted that he had broken the cheek-bone and arm of one of them, and had cut into the ribs of another. I then became thoroughly convinced that Mr. Holliday was not in a condition to know what he was talking about. I had nothing further to say to him except to repeat, "You are mistaken, Mr. Holliday, and I am as much opposed to Ku-Klux as you can be, and I desire exceedingly to put down such an organization if it exists in the State, and I would protect you myself;"—perhaps I said, "if I could,"—"and the laws will protect you, and the Government will protect you. But you must not attempt to injure innocent persons. You are mistaken; you have not cut into anybody's ribs, or killed any one, or broken any one's cheek-bone or arm."

Question. You had personally inspected those prisoners, and had seen that they were not injured?

Answer. I had been with them and they appeared to be as well and sound as you or I. I said to Mr. Holliday, "Understand, Mr. Holliday"—I used that expression distinctly—"understand, Mr. Holliday, the prosecution you have commenced you have no control over; it is now in the hands of the Government, and the Government must take charge of it." The reason I used that expression to him was that he had expressed great regret that the prosecution had been made. He said the officers of the United States came to his house and forced him to do what he had done. I said to him, "As to the proceedings you have already commenced, you have no control over them; they are in the hands of the Government, and they must go on, and all parties must abide the result. All I want is that you shall abide the results as regards these *men*." I did not advise Mr. Holliday to withdraw his prosecution, or to forbear prose-

cuting anybody who was guilty. I simply tried to satisfy him that he was laboring under a hallucination; that he had arrested the wrong men. That is the whole story in connection with him, as accurately as I can give it. I will make one further remark upon that subject, as confirmatory proof. I went to the district attorney and said, "Judge Pope, your prosecutor, in my opinion, is a crazy man; I do not think he is sane." Some of the persons that he charged with this offense had ample proof to show, and the witnesses were produced to me who were ready to testify, that they were not in the party that visited Mr. Holliday that night. The one that he said he had cut with his knife was in the town of Athens that night; another that he alleged so positively was in the crowd had evidence to show that he was in the town of Social Circle. They applied to me to indict Mr. Holliday for perjury. I distinctly declined to do it, because, in my opinion, he was laboring under a hallucination, was crazy, and was not responsible for what he did and what he said. They told me that a good large fee should be made up for me if I would prosecute him for perjury, but I declined to do it for that reason. Some other gentlemen came to me, who seemed to know Holliday better, and they said he was drunk when he conferred with me. I do not know how that was; I never saw him before, but my honest conviction was that he was a crazy man; and I declined to prosecute him for that reason.

Question. You say that although the person whom he alleged he had killed was then living and in his sight, he would not be convinced he had not killed him?

Answer. He did not call the name of the person to me, but he did to Mr. Silliman, who had pointed him out to me. And I said to Mr. Holliday, "The men you say you killed are here alive and unharmed."

Question. Were those men included in the indictment?

Answer. No, sir; one was not included because he said he had killed him, and he did not include a dead man in the indictment. But the man into whose ribs he said he had cut, and the man whose arm and cheek-bone he said he had broken, were among the prisoners.

Question. You had personal intercourse with those persons and saw that they were unharmed?

Answer. I had personal intercourse with them several times and looked at them especially; I did not ask to make a personal examination of them without their clothes on, but I examined their cheeks and arms afterwards, and I saw not the slightest evidence of harm upon their person, no more than there is upon yourself or myself.

Question. If the man had had his cheek-bone broken by the blow of a gun, there would not have been much possibility for him to conceal it from you?

Answer. It would have been utterly impossible.

Question. Mr. Holliday also made the statement before this committee that there had been a corrupt use of money, and of large sums of it. As I recollect the testimony, he intimated that that corrupt use of money had extended to everybody connected with the prosecution, as well as with the defense, and, so far as I remember, your name was brought in as one who had received the money, or had used it in some way. I do not care to inquire, and I ask your pardon for inquiring, into your professional conduct, except as it is sought to be used by him to affect the prosecution of public justice.

Answer. I claim no exemption on that subject on account of professional etiquette. Not one cent that I know of or believe was ever used in any way to affect the result in that case. Nor do I believe there was any other, the slightest, improper means used. So far from any improper means or influence in any way being used by the officers of the Government, I must say that the Government sought with perhaps almost unnecessary earnestness to procure a true bill against those persons.

Question. Do you remember the employment of Judge Caldwell as an assistant to the prosecuting officer?

Answer. I saw Mr. Caldwell here, but did not know his business.

Question. Were you not aware that he was the special agent employed by Attorney General Akerman to investigate this case, and that he visited the *locum in quo* to make a personal examination?

Answer. No, sir. I wish I had known it, because Mr. Caldwell is a gentleman whose word I would have believed.

Question. He has been before us, and has been examined in regard to that case.

Answer. I have no knowledge that Mr. Caldwell had anything to do with it. To dispose of these prisoners finally: I will say that when the grand jury that evening made their report, I took an order and put it upon the minutes of the United States district court. They had to remain until the next day at 3 o'clock before they could return home. The next day at 3 o'clock one of their friends said that they had been re-arrested upon a warrant issued upon affidavit filed by the same Holliday, upon the same charge, against the same persons; so I was told. I came up at once, and found that it was the same charge modified; it was of the same character, without specifying dates. I simply said to the commissioner, who was also a clerk of the district court, "You know these persons have been discharged upon the ground that the grand jury have found no bill against them; I desire to know if it is the purpose of the

Government to persecute the citizens of this country over the heads of the grand jury? If the grand jurors will not do their duty, we ought to have jurors that will. But I insist, as my great object in this is to see that there is no cause of offense given to our citizens to embitter their feelings, that no proceedings shall be taken which will seem to ignore or repudiate the proceedings of the grand jury. I insisted that it looked to the world like an attempt to persecute over the grand jury: that I thought it was wrong; that it would do more harm than good, and should be abandoned. I thought the previous discharge was a reason why they should be again discharged. I have not seen the prisoners from that day to this, and know nothing about them.

Question. You have been practicing the profession of law in this State for how many years?

Answer. For twenty-six years.

Question. I wish to ask you some questions in respect to the result of the experiment of negro testimony in courts of justice. I believe that under the laws of Georgia they are competent witnesses in all cases where white men would be?

Answer. That was so under the laws of Georgia before any reconstruction measures were adopted by Congress.

Question. In all cases, civil and criminal?

Answer. Yes, sir. I myself contested that question in a case in 1866.

Question. What is your estimate of the weight of negro testimony as a rule; how do you regard it? I speak of it upon the score of its reliability.

Answer. I will answer you candidly.

Question. And I will ask further in regard to whether they are reliable as to facts in connection with which they have any personal feeling or interest?

Answer. Where a negro is not influenced by any passion of avarice or fear or superstitious notion, my opinion is that his testimony is very reliable; and I so treat it in the courts. But where a negro is influenced at all by either one of the passions alluded to, his testimony is wholly unreliable. I could not find anybody guilty of an offense upon such testimony. But where he is simply left free to tell his tale, without being influenced by any such thing, I think he is very apt to tell the truth so far as his ability will permit him.

Question. Have they that moral strength, that sense of truth, and of the importance of truth, that enables them, equally with the white race, to resist the bias of fear, excitement, or imagination?

Answer. O, no, sir; I think they very readily become victims to either one of the passions to which I have alluded. I think a negro is exceedingly open to such influences. There are exceptions. But I think that as a race, whether resulting from their condition of ignorance or from the nature of their race, they are exceedingly liable to be influenced by all of the passions I have alluded to, by avarice, by fear, and by superstition.

Question. In cases, therefore, in which those relations would enter, the weight of their testimony would be destroyed?

Answer. I would not rely on their testimony at all, unless corroborated by other circumstances. But freed from those feelings, they are reliable. They are just like children; you put one of them upon the stand and ask him to tell you what he knows, and he will not tell anything else, unless under other influences. And he is so like a child that other influences, of which you have no knowledge, would be likely to render his testimony very unreliable.

Question. You regard their testimony as being like that of children, ingenuous when left to themselves, and open to only the same influences that might influence a child?

Answer. Precisely so, with the exception that their passions are stronger than those of a child.

Question. What do you find the general disposition of your people to be toward the negroes in your courts, in general matters of business in the community?

Answer. As a matter of certainty and ease, I had rather undertake the acquittal of a negro than of a white man, if you will give me an intelligent jury of old slave-holders. I have often observed in my practice that on the part of our first-class citizens, educated men, especially old slave-holders, there is a disposition to look with remarkable leniency and allowance upon the acts of negroes. That proceeds from several causes; the first is that our people know that the negro will frequently commit crimes for the same reasons that he will seem unreliable in the court-room. Perhaps his passions have been operated upon by some designing white man. In the second place our old slave-holders have a rather kindly feeling toward the negroes, more so, I think, than exists anywhere else.

Question. They have a personal affection with regard to them?

Answer. Yes, sir. If I was prosecuting a negro I would, if I could, strike from the panel of jurors any man who ever owned that negro; if I was prosecuting him he should never be tried by his old master. If I was defending him I would, if I could,

make up a jury of old slave-holders; if I was prosecuting him I would want to avoid them.

By Mr. VOORHEES:

Question. You are in full practice now?
Answer. Yes, sir.
Question. And in the habit of defending negroes?
Answer. Yes, sir.

By Mr. SCOFIELD:

Question. It is very complimentary to the negro that the men who know him best should have the highest opinion of him?
Answer. We have the opinion I have given you about his testimony, at least that is the rule I act upon as counsel.

By Mr. VOORHEES:

Question. That refutes the idea that the slave-holders are all cannibals and want to eat him up?
Answer. Allow me to say——

By Mr. LANSING:

Question. I know of no such sentiment myself as that referred to by Mr. Voorhees.
Answer. If I was called into court to-morrow to prosecute a negro, if the jury panel before me contained his old master he would be the first man I would strike off.

By Mr. BAYARD:

Question. And if you were defending him he would be the very man you would want to retain?
Answer. Yes, sir; I think the greatest misfortune that has befallen the negro in this country has been the exclusion from the government of the great body of old slave-holders.
Question. You mean the State government of Georgia?
Answer. Yes, sir. When you get down to the lower classes of the population there is a singular state of things that looks a little contradictory. The only danger of what we call social equality or amalgamation between the white and black races exists in the lower strata of society; there is no possible danger of it from the respectable classes. At the same time the worst enemies of the negroes, those, perhaps, who would inflict any personal injury upon him, are to be found in the same lower classes. The wrongs imposed upon the negro almost always come from that class of white population that associate with him on terms of equality. That was so in slavery times, and it is so now; I have observed it very often.
Question. I will ask you whether there would be any difference of sentiment among respectable men in Georgia in regard to these crimes of taking negroes out of their houses at night and whipping them, &c.?
Answer. My opinion is that there would not be the least in the world.
Question. What would be the sentiment of all respectable men in regard to those offenses?
Answer. They would punish any man that would be guilty of it. I would myself get up from my bed to protect an old slave sooner than a white neighbor; and I think that is the general sentiment of the old slave-holding portion of our people, and it is based upon the fact that they have a regard for them, and know that they need protection and the white man does not.

By Mr. VOORHEES:

Question. You were formerly a slave-holder?
Answer. Yes, sir.

By Mr. BAYARD:

Question. You have spoken of your jurors; is it or not a fact that, by your present constitution, intelligence and good character are the two requirements for qualifications of grand jurors?
Answer. Yes, sir; that is a provision in our constitution. And I could give you the history of it, and tell you the author of it, and the reason for it. The author of that clause in our constitution, as I understand, is our attorney general. He told me before he went into the convention that he should insist upon some such provision, and he showed it to me before it was adopted. This provision of our constitution, I think, was wisely adopted.
Question. You believe that provision has proved itself to be a good provision?
Answer. I think it is an admirable provision in the constitution.
Question. Are your juries through the State better and of higher grade now than before that provision was in your constitution?

Answer. Our grand juries and special juries I do not think have been improved by it, for that was the practical operation of the law under the old system. I think our petit juries have been decidedly improved by that provision, those before which are generally tried criminal offenses.

Question. In regard to negro suits in civil cases in courts of justice, where they have claims, is it your observation that they receive justice? is it dealt out to them without prejudice in your community?

Answer. I think so.

Question. Would there be any difficulty before your juries in the case of a negro having a money claim against a white employer, such, for instance, as would grow out of the relation of tenant and landlord, would there be any difficulty in obtaining judgment in favor of the black man, where the evidence was reasonable and warranted it?

Answer. None in the world; and if you would take a jury of planters, who employ negroes, the negro would stand the very best chance to get justice, for they are inclined to do him full justice. That proceeds from one other reason which I think it my duty to state. I think the negro will always get his rights before a jury of the kind I indicate. But there are instances where the negroes are denied their rights by designing men out of the court-house in settlements. I think there are a class of men who employ negroes and cheat them out of their wages. But if the negro will go to the court-room, and appeal to a jury of intelligent men, the white people would be glad to do that negro justice, because that very tendency is demoralizing to labor, and therefore detrimental to our interests.

Question. Now, let us take the other side; are there not a great many of these negro laborers who are in default toward their masters?

Answer. Yes, sir.

Question. Is there not a great deal of trouble in your labor system owing to that?

Answer. That is a considerable trouble now to us. I plant largely, and I know a great deal of these very difficulties. There is a class of white population who, at the beginning of the year when there is a competition for labor, will promise the negro almost anything with the express intent of cheating him, and before the year ends bringing him down to what they deem reasonable wages. Their object is to secure his employment. So, also, there is a class of negroes who have no regard whatever for the obligation of a contract, and will violate it upon any pretense or pretext whatsoever, and they make us a great deal of trouble. How to make the negro observe his contract on the one hand, and how to make the bad white man fulfill his contract on the other is just now the *pons asinorum* of our labor system; one which has given us a great deal of practicable trouble. I have had negroes in my employ who have been tempted to leave me for offers which I knew would never be performed. I have warned the negroes that they would be deceived, as they have invariably been deceived by that class of people. It is that practice which has inflicted great evil upon us. And the great difficulty in the way of correcting that evil is, that heretofore we have been unable to get the government of the State into the hands of the very population who want to correct those evils.

Question. And then has the correction of these evils been retarded and impeded by the class of man into whose hands the State government has passed?

Answer. It has been most woefully impeded. It has been an insurmountable obstacle to good laws for the government of the labor system of this country.

Question. Has the tendency of the laws of Georgia been in accordance with the true sentiment of the people of Georgia?

Answer. Directly in conflict with that sentiment.

Question. Do you consider that the relations growing out of the ill-adjusted laws, and the new relations of employers and employed have resulted from the fact that the people of Georgia have not been allowed to apply their own remedies through their chosen agents?

Answer. I do undoubtedly think so. I ascribe the greatest evils that have afflicted the negro and the white man, and which continue to demoralize our labor system, and the failure of our country to recuperate, to the unfortunate results of the reconstruction measures.

Question. In placing the powers of the State in the hands of men who are either unwilling or unable ——

Answer. Both unwilling and unable.

Question. To cure the evils which you think now afflict your people?

Answer. That is my opinion. And I wish to state this, to show my feelings in making that statement. From the beginning I have advised our people to resist nothing that the General Government propose to do. In 1867 I earnestly advised them to refuse to become consenting parties to the reconstruction measures, because they excluded from our State government and from office the best class of our people, the men who had the greatest interest in the prosperity of the country, and at a time when we needed wise counsel, in my judgment, more than at any other period of our history. *The reconstruction* measures required our white people to consent to that. Whether

designed by Congress or not, I will not say; but it was held out here distinctly that the acceptance of the terms proposed would be evidence of loyalty, and the rejection of those terms would be evidence of disloyalty. I therefore thought it dishonorable to our people. But the moment the reconstruction measures were accomplished, including the amendments to the Constitution, I have advised, and I do yet intend urgently to advise, our people to accept and abide by them and to do the best they can with them. I felt the force of the argument that has been used to northern men, that it was perilous to turn the Government of the country over into the hands of what they called the rebels; that is, the people who carried us into secession and sustained the confederacy. My honest opinion is that after the war the Government of the United States should have done one of two things; it should have placed us under the absolute and entire government of the United States, or it should have placed us under a government of our own people. If the authorities of the United States believed that it was unsafe for the Government to return power into the hands of our best people, then I think the United States ought to have governed us with its own officers and by its own laws, and they ought so to have governed us until in their judgment it was safe to turn our government over into the hands of our own people. My own opinion, however, is, that it would have been the very best policy, knowing our people as I do, to have turned the government over at once into the hands of our own people; to have trusted the people.

Question. Holding them responsible?

Answer. Yes, sir; holding them responsible. I think the course they did pursue was the most unfortunate possible. The United States refused to govern us of itself, and refused to turn the government over into the hands of our own people, or to let us govern ourselves. It turned us over to the government of rogues, with negroes as their tools, with the power of the Federal Government to sustain them. That is the exact government under which the Southern States have been laboring for several years. The government of the bayonet we thought was unnecessary, but it was preferable to the government of rogues; I would have greatly preferred it myself. Well, we never complained, for instance, of the government of General Ruger. He was governor of Georgia for a while by United States authority. We regarded him as a gentleman, and he was respected by all our people. We would have been willing to continue under that government as long as the United States authorities really believed it was best for the nation that it should be so, though we were fully convinced in our own minds that the Government of the United States was mistaken in that. It would have been better for the United States, safer and better for us, and best after all for the negro, if our government in the first place had been turned over into the hands of our own people. The very worst form of government for the United States and for this country, for the white people and for the negroes, has been the government we have had.

Question. Have you any knowledge of or belief in the existence of a sentiment in this State hostile to the Government of the United States?

Answer. No, sir; I have no knowledge of any such sentiment at all. I believe there are some men in this State, whether they would have done so before or not, and I do not now allude to any particular individuals, I believe there is a class of people who would be glad if what they call the oppression of the United States since reconstruction should precipitate another revolution ultimately, and relieve us from what they call the oppressive government under which we now live. But I believe that even they would be willing to live under a government of our own people.

Question. What would be the effect of a measure of general amnesty by the United States Government?

Answer. I think it would be exceedingly wise.

Question. You think it would increase the feeling of affection toward the Government of the United States?

Answer. I think it would enable the best class of men in our society to do what they want to do, and it would remove one of the chief sources of bitterness now existing against the Government of the United States.

Question. Suppose that the power of the Government of the United States, as shown by Federal interference or the threat of Federal interference, should be removed from your borders, and the people of Georgia be left free to express their own opinions, what would be the effect upon the comfort and safety of the people of this State, more especially of the colored population of the State, and that portion of the white men of the State who have acted with the republican party?

Answer. Well, sir, I do not believe there would be a man in the State who, on that account, would be harmed in the slightest degree. I believe there would be a great pretext of alarm on the part of one portion of the people you refer to, but I believe there would be really no ground for it. I believe that if to-morrow our people were to be declared independent, if the United States were to-morrow to acknowledge the independence of the confederate states, our people would not restore slavery, and the better class of our people would not tolerate any injustice to the negroes. I do

not believe that in that event, with a *tabula rasa*, as we say, our people would give the negro suffrage, or the right to hold office, as a race. But I believe they would give him before the law his equal rights with the white man, and that they would protect him absolutely in the enjoyment of those rights.

Question. You are stating the case of a complete independence of Georgia.

Answer. I was not contemplating that in any degree, but was referring to Georgia in the Union, as I trust she will always remain.

Question. If left to her own control, would there be any danger to person or property?

Answer. I did not give the answer I did, upon the hypothesis of the independence of the confederate states, with any desire or wish that Georgia should be independent, because I am an old Union man. I merely made that statement to show the degree with which our people are satisfied with the freedom of the negro. I think that Georgia as a State of the Union, left entirely by the United States Government to control her own affairs in her own way, would do so in strict accordance with the Constitution of the United States, and would be careful to give neither an excuse or just cause of offense. I think we would be extra careful to avoid it, for the reason that it might be made the pretext to return us to where we are.

Question. If no other higher or better reason could affect you?

Answer. Yes, sir; but I believe the people would be willing to give equal protection to all; but I think that under the impression that possibly a discrimination might bring us again where we are now, they would be extra anxious to protect that very class of people. In other words, I want to say that I know of no possible contingency in which the very best protectors of the old slaves of this country would not be the old slaveholding population of the United States. That is my honest opinion; I am thoroughly convinced of it. I would rather trust the negro in the court-room, in society, and everywhere else, to the government of the old slave-holding population of this country than to any other class of people on earth. That is my regular rule in my practice in any court; I always follow it.

By the CHAIRMAN:

Question. Then you think that, as a matter of fact, it would be best for all classes of the State of Georgia to have the government of Georgia returned as nearly as possible into their hands?

Answer. Yes, sir, I do.

Question. I do not propose to question, here and now, any of your sentiments and opinions, or, in the ordinary meaning of the term, to cross-examine you. I need not say, either disparagingly or by the way of flattery, that you are a representative man. As such I merely want to know your opinions, such as they are; not those upon matters of veracity, or anything of that kind, but your opinions become facts, and therefore I wish to know them on certain points. You have spoken of the government that was actually organized here as, in your opinion, the very worst government that could have been devised; you said that it fell into hands of men incapable and dishonest.

Answer. That is my honest opinion.

Question. What was the class of people to whom you refer?

Answer. I can give names, but I prefer not to do so in this connection. Previous to 1867 the very best class of people, especially the old whigs and the Union men, (and you must allow me to say that I always believed they constituted the majority of our white people,) objected to the reconstruction measures of Congress, because of the fact that those measures disfranchised indiscriminately our white people, and enfranchised their slaves, and thereby compelled the intelligent former masters of the slaves to submit to a government to be formed of a constituency composed of their slaves and such persons as choose to act with them. It was, therefore, a sense of self-respect, not any desire to injure the negro or to resist the government, and not any desire even to not submit to reconstruction, but it was a sense of self-respect and of honor that prevented them from accepting the reconstruction measures, growing out of the facts I have stated. Well, as the result of that feeling, of that sense of self-respect, many of the old whigs and Union democrats were driven where they did not want to go, into temporary affiliation with the democratic party. There was nobody, with rare exceptions, (there might have been a few individuals who did not have that sensitiveness of honor that a great many people have,) there was nobody to accept those measures but those who did not have that self-respect, and who, consequently, were willing to take advantage of the vacuum created in the offices by the exclusion of intelligent people, in order to get the offices themselves. The exclusion of the intelligent men in the country from those offices offered a temptation to those who never otherwise would have been thought of in connection with them, and who did not have sufficient self-respect to refuse to take those offices. Therefore the governments of these States were thrown into the hands of a class of people who did not have that sense of self-respect as we regarded it, and who did not have the respect and confidence of our people, and a great many of whom have been very bad men.

Question. The persons to whom you refer as having been thrown out, or as having not been recognized in the work of reconstruction, are those excluded by the third section of the fourteenth article of amendment to the Constitution of the United States?

Answer. Yes, sir. Those who object most bitterly to that clause of the fourteenth amendment, and to that provision of reconstruction which at first not only excluded them from office, but even from the right of voting, (I now live under a constitution where I do not have the right to vote for the members who framed it,) are the old Union democrats and whigs. They had opposed secession earnestly, and had gone into it only from necessity. When they were punished by being put under a government of their own slaves, and such creatures as had no more self-respect than to lead those slaves in the government, they felt it more keenly, I suppose, than the old democrats, for they no doubt felt that they were responsible to some extent for the results of secession.

By Mr. VOORHEES.

Question. You were an old whig and Union man?

Answer. I was an old whig and Union man, and never held any office under even the old State government, except that twice I was a member of the Georgia legislature, and both times was elected as a Union man and on Union issues. I was burned in effigy in this State as an abolitionist, because I did not approve the repeal of the Missouri compromise. I was denounced as a traitor and coward because I did not believe secession was what was desired. I was disfranchised at the close of the war, and my slaves had the right to form the government under which I lived. That created no bitterness in me, except that it aroused a sense of self-respect which forbade me to accept the reconstruction measures. I come to you now the representative of the great body of old whigs and Union democrats in Georgia, in that I represent their sentiments, and that is the only way in which I claim to represent the people. They feel as I do. They were most anxious that Congress should pursue a different policy, because if it had they felt that the secession democrats who had domineered over us for so long a time would be put down forever.

Question. You thought you had peculiar claims to be trusted?

Answer. I did, and so did all the old whigs and Union democrats.

By the CHAIRMAN:

Question. Please answer me this question, as much for my personal information, perhaps, as for public information: Why was it that our old Union friends who willingly or unwillingly went into the rebellion after it was organized felt themselves constrained by a sense of honor, after the rebellion was closed, to adhere to their old associates rather than to their old friends who had, in the first instance, felt so sadly their departure from them?

Answer. Because their late associates were willing to give them at least equal privileges with the negroes, and their old friends were not. The reconstruction measures did not give us, the old Union whigs, equal privileges with the negroes. If you had not mistaken the southern people after secession terminated, and had not in your measures discouraged them, you might possibly have produced a different result, though our notion was that it would be better to enfranchise all the people.

Question. My question went back behind the reconstruction measures; it went back to the early months; to the very moment after the close of the war. It was propounded by a gentleman who, like yourself, was a southern man and a slave-holder, a Union man, and one who adhered to the Union. The question relates to that time prior to any acts of reconstruction, prior to any action whatever by Congress or the Government.

Answer. Do you mean to say that after the war and prior to the reconstruction measures there was a disposition on the part of the old whigs and the Union men to affiliate with their late associates, the secession democracy? Do you ask why that was so?

Question. That I found to be the fact; the reason I found to be precisely what I have given, that a sense of honor required it. I want to know what view of the subject you could give to account for such a result.

Answer. I think there was no sense of honor that required the old whigs and Union men to affiliate with them after the war and before reconstruction; in point of fact, I do not think they were inclined so to affiliate. The sense of honor only comes in when the proposition was made to disfranchise the white man and enfranchise the slave; it did not arise until then. I tell you frankly that after the war ended, we, the old whigs and the Union men, expected to take control of affairs down here; that was our expectation, and I think we would have done it if you had allowed us to do so. I will tell you candidly that I think very likely if the republican party had been as magnanimous to the old whigs after the war, in extending us privileges, as preceding the war we were with them, it might have built up a republican party in the South, and given us

the control of this country. Then you would have forced upon our people the conviction that the democracy was responsible for the war, for all its consequences, and for all the losses that followed; but, by pursuing a different policy, you convinced our people that the most horrid accounts given by the secession democrats of the purposes of the northern people were true. The old whigs and Union men before the war utterly scouted the idea that there was any desire on the part of the northern people to oppress us and deny us any constitutional right.

Question. Do you think your old whig associates entertain that opinion at the present time?

Answer. I do.

Question. Can you refer to any representative expression of that feeling, either in a public speech by a prominent man at that time, or in the columns of your press?

Answer. I cannot refer you to any action, because we have never had any opportunity to act. I can only refer you to —— well, I have done more writing since the war upon that subject than anybody else, and my writings are full of that. Until nine months ago, I think, my opinions were responded to unanimously by the whigs; every old whig paper in the State, and every old Union democratic paper in the State, was in accord with those sentiments uttered by me until, I will say, twelve months ago.

Question. Can you refer us to some public writing of yours written between the time of the surrender, in April, 1865, and the time that Congress met, on the first Monday in December following?

Answer I wrote one letter to which I can refer you. I will refer you to the original manuscript, for it is yet in existence. It was written in 1866, and published in the Chronicle and Sentinel of Augusta, and I believe in all the papers of the State, so far as I know. In that letter I advised our people to go into a new party arrangement if possible. In the original letter I used this expression, (I can give you almost the identical words:) We will not go to the democracy, because if secession was wrong the democratic party instigated it; and if secession was right, the democratic party of the North joined in the war to put it down. In no event, therefore, should we of the South trust the democratic party.

Question. That was in 1866?

Answer. That was written in 1866. I also wrote a letter, which was not published, to the President, Andrew Johnson, from Fort Lafayette, in 1865, during my imprisonment there, in which I congratulated him upon the plan of reconstruction suggested by himself, in this: that while I did not approve of all that plan, I yet thought he was entitled to the gratitude of the people of the South for recognizing their old local constituency as the proper persons to reinaugurate the Government. I stated that he had not conceded all that should be conceded, and all that I thought time would prove he should have conceded. But the substance of the letter was that he deserved the gratitude of the country, not because he proposed to reconstruct, but because in reconstructing, assuming that he had a right to reconstruct, assuming that reconstruction was necessary, instead of simply restoring the old governments before secession, he did the right thing in recognizing the old constituency. That is where Congress made their mistake.

Question. In all the controversy between the executive and the legislative departments of the Government, you did not take any particular interest?

Answer. Yes, sir. I delivered a speech, which was printed, and if I can find a copy of it I will furnish it to the committee. It was a speech delivered before the Young Men's Democratic Union, in New York, in 1868, in which this very question was largely discussed, giving the reason why the South objected to any particular features of reconstruction. I think you will see that it is in exact accordance with the opinions I now express.

Question. Allow me to press that point a little further upon your attention, for I am interested in your replies. When the fighting was over which had been going on to prevent a rupture of the nation, those who had been carrying it on naturally wanted to have some assurance that all they had done should not go for nothing, or that the disturbance should not be renewed at the first opportunity; or, to put it in a form that we have heard of a great deal in this country, they wanted security for the future, even if they did not require indemnity for the past.

Answer. That was natural and right.

Question. Now, the point is this: did the class of people to whom you refer, the old whigs and Union democrats, by any public act or expression, either through their speakers or through the press, give any such assurance between the final surrender and the assembling of Congress, in December, 1865?

Answer. I do not remember that they did, for there was such a disorganized state of things down here then that there was no formal action taken by any party that I remember, except simply the election of members to the convention to frame the new constitution, under Mr. Johnson's programme. There was no formation of parties, and no expression of purposes, that I remember, of the old whig and Union men as such. But in talking with each other we old whigs said, Well, you see all the evils of

secession that we prophesied have become true; now we suppose the people will believe us, and not believe the old secession democrats, who wanted to drink all the blood that would be shed by the war; we suppose now that the old whig party will arise from its ashes in some form, at least what we call the anti-democratic element. I think in reference to the point you allude to, that the Government wanted to have some security that what we call the rebellion which they had suppressed should not be renewed; that, I think, was reasonable and right. But we old whigs thought this: that the security should be found in the utter annihilation of what was called the right of secession as a constitutional remedy. As you know, we old whigs did not believe that secession was a constitutional right.

Question. Or a sensible remedy for any wrong?

Answer. I was going on to say that we held it was revolutionary as a right, and unwise as a remedy; that was the old whig doctrine. We felt that the General Government was not simply an agency of the States, but a government absolute in its sphere, a limited government, a government having no powers except those delegated to it; but within that power, and within its sphere, an absolute government, from which no State had a right to secede, except a revolutionary right. The old democratic doctrine preached in this country was that the States, by virtue of their status as States, were authorized to create a governmental agency, from which these States had a right to secede whenever it was to their interest to do so. We thought that doctrine of government ought forever to be settled, and that really it was settled, and we were willing it should be put in any form you pleased, so that it could not be revived. We old whigs thought that, and you will find it stated in a public paper written by me in 1867. We thought that the emancipation of the negro was not the necessary result of any issue involved in the war, but still, as the South had recklessly staked slavery on the issue, as we charged the secession democracy had done, we were willing to concede that the negro was legitimately free, or that his freedom was a result to which we should accede. Then, of course, we felt that the negro, being a free man, ought to have equal and absolute civil rights and protection under the law, and such we insisted upon giving him. But we never felt that the negro was in a condition, either for his own good or for that of the country, to be clothed with equal political rights in the shape of suffrage, and the right to hold office.

Question. To get your views a little more definitely, I will say a little more pointedly this: I thought I knew the old Union men of the South, both those who went into the rebellion and those who did not. But I expected when it was over, and I frequently so predicted while the war was going on, that they would turn around upon the secession democracy, as you term them, and say to them substantially: We predicted all these troubles from bringing this war upon the country; we insisted upon it, but you precipitated it upon us. We went in and did our very best to make it a success until we have been defeated. Now we insist upon it that you shall stand aside and let us come to the front.

Answer. That is exactly what we intended to say; what we would have said; but in the mean time Congress came in, lumped the old Union democrats and whigs together with the secessionists, and said that they would punish us all alike; would put us all alike under the negro. That naturally created a sympathy between us and the secession democrats. Congress by that act prevented us from saying to the secession democrats that all they had said was untrue; that the northern people had no desire to oppress them, because the acts of Congress proved that they were right. I wish to state once more, as an evidence that the old Union democrats and the whigs might have come to the surface and controlled this country, we elected an old Union whig as the first governor in 1865, whom the democrats had repeatedly rejected before the war, whom we never could elect before the war.

By Mr. VOORHEES:

Question. Who was he?

Answer. Charles J. Jenkins. We elected him almost unanimously. We elected two Union men to the Senate, and refused to elect any secessionist, though one of the men elected was a little unpopular at that time in the State, because of his opposition to the confederate government in some of its measures; but we elected him because he was known to the Union as a Union man.

Question. Who were those Senators?

Answer. Alexander H. Stephens and Herschel V. Johnson. We elected them because they were Union men. No original Union secessionist, in my opinion, could have been elected then to any office. I have heard people say that in the convention that assembled in 1865 and framed a new constitution, and in the first legislature that assembled under that constitution, a large majority were old whigs, and an overwhelming majority were old Union men.

By the CHAIRMAN:

Question. Do not let us have a misunderstanding on that point. You have mentioned

Alexander H. Stephens, the vice-president of the confederacy, as an old Union man and whig?

Answer. The idea was that he was so esteemed in the Union. Mr. Stephens was a Union man, and was a whig until 1856. I think, though, that as an old whig he has now gone after strange gods.

Question. When I spoke of Union men——

Answer. I think myself that your idea of an old Union whig would not be exactly covered by either Mr. Johnson or Mr. Stephens.

Question. What I mean is not those who, after the issues were more definitely formed, who, after 1856, did not join the democratic party, but voted for Fillmore——

Answer. I think they would have controlled the country; I think Mr. Jenkins was one of them.

Question. Among those who actually had the management of affairs, there has been a great deal of comment upon northern men who have come here since the war, who are spoken of as carpet-baggers, and referred to in perhaps other and more offensive language. I found the other day, in a Nashville paper, this statement on the subject, purporting to have been taken from a Savannah correspondent. I would be glad if you would look it over and point out any inaccuracies in it, if such you think there are.

The article is as follows:

"As to the carpet-bag members of the convention which framed the reconstruction constitution of Georgia, they were thirteen in number, while the whole membership of that body was one hundred and seventy-five, of whom thirty were colored men. Of these thirteen carpet-baggers, eleven were and are consistent members of Christian churches, and only two of the thirteen were given to profanity, intemperance, or the keeping of low company; the other eleven were recognized as good citizens, of unexceptionable habits, and abilities in every case fair, and in several brilliant. These thirteen carpet-baggers numbered among them more total abstainers from the use of intoxicating drinks than did the entire remainder of the convention."

"The legislature of Georgia elected in 1868 has been sharply criticised as grossly corrupt. Of its two hundred and fourteen members, but seven have become residents of the State since the war, and six of those seven carpet-baggers are moral and religious men. Yet we have often heard it charged that this (as is alleged) corrupt legislature is controlled by carpet-baggers. And the lobby by which the legislature is infested contains but one prominent carpet-bagger, and that one, sufficiently notorious, has never, so far as is known to the writer, voted the republican ticket, or in any way contributed to its success. Not one of the State officers (unless, indeed, we except the State superintendent of education, who is an appointee of the governor) is a carpet-bagger. Of the members of the Fortieth Congress elected in Georgia two were carpet-baggers; both Christian men and doing honor to the churches with which they were connected by an upright life and a steadfast regard for the rights of others. In the Forty-first and Forty-second Congress, no carpet-bagger from Georgia held a seat. As for county officers, not ten of them in the whole State are, or have been, filled by the class in question; and from the judiciary they are expressly excluded by the terms of the State constitution, which requires a residence of five years as a qualification for judges and State's attorneys or solicitors. I might add that carpet-baggers and negroes together have never numbered one-sixth of the legislature of Georgia."

Answer. I am not sufficiently acquainted with the exact members composing the convention and the legislature referred to, or their residences and varieties of residence, to give you a definite answer as to whether this is literally correct or not. My impression is, and an impression that I have always had, that this article is exceedingly inaccurate; but I am not able to specify the particulars, though I think I can obtain the information. I will say, however, that the definition of carpet-bagger given by this writer is not exactly the definition understood in our State. This gentleman seems to think that we include among the carpet-baggers only those who have settled in this State since the war. In the minds of our people the term carpet-bagger has this signification: he is a man who has nothing but what he can carry in his carpet-bag, by which we mean to say that he has no interest in the State of a material character to protect or build up, and he is not a native of the State. Therefore, in obtaining the control of the legislation of this country, he is not influenced by that feeling of regard which generally belongs to a native-born citizen, nor by that feeling of interest which belongs to a citizen that has property in the State. We include among carpet-baggers a great many that came here before the war, and some that came during the war. But we do not include under the term carpet-bagger any man who is simply not a native of the State. There are many citizens that have come here since the war, to whom we do not apply the term carpet-bagger; they have an interest in the country. But as we understand it, the carpet-bagger is an individual who has no interest in the country to build up and to protect, who has none of that supposed affection for the country that attaches to one born in it.

Question. Do you ever apply it to any person born in any of the so-called Southern States; in any of the old slave States?

Answer. No, sir.

Question. Is it always applied to persons born in the free States, in what are called the Northern States?

Answer. Yes, sir, but not because they are born North. There are gentlemen who have come here since the war from the North that we have the very highest regard for, who are not only received socially, but in every other way, as men of the highest character and repute.

Question. It is applied to men who have no property?

Answer. Who have no interest to protect, and who are therefore presumed to take advantage of what I called a little while ago the vacuum created in offices by the exclusion of our intelligent men, for the purpose of coming in and robbing our people. There is another character, to whom we apply the term "scalawag." We say that the Government of this country has been under the control of negroes, carpet-baggers, and scalawags. A scalawag is a man born in one of the Southern States who is in the condition of the carpet-bagger; who has no interest to protect, and none of that sense of honor implied by birth, and, therefore, does not betray that self-respect which would make a good legislature for our people.

By Mr. LANSING:

Question. You mean that those who have taken these offices to which you allude belong to one or the other of these three classes?

Answer. There are very few in the State who hold offices who are not in those classes, very few of them.

By the CHAIRMAN:

Question. I understand you to say that no native, no gentleman of respectability, would take office in the State government?

Answer. With individual exceptions. There are a few gentlemen with any self-respect who have done so, but they are not so sensitive as others. The truth is, that there are a few gentlemen in the South so utterly anti-democratic that they would have gone anywhere on earth before they would have affiliated with the democratic party on any terms. There are but few of that kind; one is our present Senator, Joshua Hill, another is Dr. Miller.

Question. Is it not possible that some have acted from conviction of duty who disregarded those considerations?

Answer. I think some did so, but I am speaking of the great mass of our people. I said in the beginning that there are exceptions. There are some who, I believe, are ready to do so, and who have acted for what they thought to be the best interests of the country. But they differ with me on that point, and they are so few in the State that I could almost name them all.

Question. So that, in point of fact, I understand you to express the opinion that very few indeed of the native citizens of Georgia have taken any part whatever in attempting to restore the State to her practical relations with the Federal Government, and those few you think have done it because it was an evil that they could not ——

Answer. I have not given that answer; I have not said that there were very few in this State who were willing to take the trouble to restore the State to her old relations.

Question. I said very few who have done so.

Answer. Very few have done so under the reconstruction measures of Congress.

Question. That is what I said.

Answer. There are quite a number in the State, a minority in the legislature, elected by the democratic vote against that issue; I mean the class of people chosen to office under the reconstruction measures by virtue of the votes of the negroes and carpet-baggers, and what we call scalawags. I do not like to use those terms, but they are common terms in the country. None of those who have been so elected have represented the real sentiment of our people, and yet that real sentiment is not antagonistic to restoring the State to her practical relations to the Government.

Question. Well, then, let us go down to the bottom. Suppose you had the real sentiment of the people carried out into a law and the law enforced; what would have been done differently from what has now been done?

Answer. My opinion is this ——

Question. What did they want to do that they were not permitted to do?

Answer. If the States south, the State of Georgia, for instance, had been allowed to elect such men as she pleased, and hold such policy as she pleased, I believe we would have been in entire accord with the General Government, in the Union, and in perfect accord with the Government. At home we would have had a much better class of men in office, men who had the respect of the negroes as well as the white people, men who would have provided a system of laws better calculated to develop our labor interest

than we have had, and who would have inspired more confidence in our people, and created such a state of peace and harmony as would have encouraged the introduction of capital and immigration from abroad. I do not think any man would have been in office that now is.

Question. You would have elected different men to office?

Answer. Yes, sir.

Question. Is it, however, a matter of any consequence whether A B or C D hold office, in and of itself, and stopping there?

Answer. No, sir; not if A B and C D are equal in every respect.

Question. The difference is not in regard to holding office, but the manner in which the duties are discharged?

Answer. The manner in which the duties are discharged, and the confidence which the people have in them.

Question. You say the people of Georgia would have been in accord with the Federal Government; what do you mean by that?

Answer. They would have submitted to the fact that secession was at an end; they would have given up all hope of renewing the war, of establishing the confederacy, of reviving slavery. They would have been content to let slavery go, and we would have been in perfect accord with the General Government upon the Constitution and its administration. We would have made no further issue upon secession and emancipation and the equal rights of the negro and his equal protection under the laws, but we would have taken means looking to the encouragement of immigration and capital coming to this country.

Question. Would you have done differently from what has been done for the purpose of harmonizing the relations of labor?

Answer. I think we would have had different laws. The tendency on the part of some white men to take advantage of the negroes, and the tendency on the part of negroes to disregard their contracts are present evils. I think our property would have had greater value, and our land would have appreciated; there would have been more confidence in the country that the laws would be executed. The truth is, for three years our people have not had confidence in the execution of the laws of the State in such a manner as to protect person and property. It is their conviction that those who have had the administration of our laws have been more intent upon making a good thing for themselves than protecting the people.

Question. The practical administration of the laws has been, of course, with the judiciary?

Answer. With the executive and the judiciary both. For instance, although the judiciary, in some respects, are tolerably fair in Georgia, although we have some good judges, yet, as a whole, they are not a class of men who would have been put in those places by the people if they had had possession of the government. Then, again, our executive has used the pardoning power most extravagantly and most unjustifiably. He has very frequently turned loose those known to be guilty of gravest offenses against the security of person and property. That has created among our people a sense of insecurity. I have no doubt that in some localities it has given birth to the organization of what is called volunteer bands, or Ku-Klux bands, volunteer organizations for the purpose of protecting their persons and property when they thought the administration of the laws of the country did not do it. I have no doubt, from what I hear, not from what I know, that that state of things has been brought about, and that it has in many instances been taken advantage of by bad men, and that those bands are as often composed of negroes and republicans as of democrats, who have adopted the same method of gratifying their own personal vengeance and spite. For instance, this case in Jackson County, of which you have heard so much, had nothing political in it. Even if the gentlemen, Mr. Holliday, was assaulted in the manner he says, upon his own statement to me, it could not have been political; it was but a neighborhood broil.

By Mr. BAYARD:

Question. He was a democrat?

Answer. He told me so, and seemed to intimate that it was a downright insult to charge him with being anything else. That is really, in my opinion, the source of our troubles, of the so-called Ku-Klux troubles. I do not remember that there was any pretense of an organization of that sort until after the reconstruction measures of Congress. I do not remember ever to have heard of anything of the kind in the State until then. To my certain knowledge, to my professional knowledge, men were released or pardoned by the governor who were really bad criminals, and dangerous to any community. The governor, too, has frequently pardoned persons charged with offenses before they were tried and convicted, a thing which was never done in this State previous to the war, and, in my judgment, never would have been done by a good citizen elected by our best class of citizens. He has pardoned offenders even before indictment. Some men supposed to be in affiliation with him in different parts of the State have been charged with offenses, and he has pardoned them even in advance of a pre-

sentation of their cases to the grand jury. Well, these things have created a feeling of insecurity to person and property among our best people. I have myself felt it in some degree, though not so much, for personally, thus far, this class of politicians have respected my rights and my person; but I know many people who have felt that insecurity.

By Mr. VOORHEES:

Question. It will only require one more step to the issue of indulgences?

Answer. That is so. He has not only pardoned the greatest criminals after conviction, but he has pardoned men before they were convicted, after they were indicted, and even before their cases were presented to the grand jury. That is the difficulty in the administration of our law. I wish to say in regard to Governor Bullock that I believe he has done much of this, because, in the first place, he has not the qualifications proper for his high office, nor the previous education for it. He is not the man who would have been chosen for that place in a healthy state of political sentiment and action. Then, he is a man of exceedingly kind heart, and easily impressed. It is impossible for him to refuse a kindness, and he has not had that firmness of will and of purpose necessary to punish convicted criminals. I have no doubt that his kindness of heart is, in one sense, the cause of much of the pardoning he has indulged in. He was elected contrary to the sentiment of our people, and declared elected, not by the votes of the people, but by a fraudulent count of those votes; therefore, he is an object of opprobrium to the great body of our people for those reasons. They have naturally charged that the great exercise of this pardoning power has been from a desire on his part to build himself up; they have charged a wicked motive, even when I think he did not have it.

Question. Has he not been charged with taking money for it, also?

Answer. That has been suspicioned. This state of things has given rise to a licentiousness on the part of the press of the State, both democratic and republican, which has been exceedingly unfortunate. There has been so much that was wrong that the press have made it a regular business, thoughtlessly and indiscriminately, to charge everything as wrong, to look for a false motive for everything done by the governor, and they have aggravated this unfortunate state of things. I think the licentiousness of the press has had as great an effect in demoralizing the country as almost any other one thing.

By Mr. BAYARD:

Question. Has it not been an unprecedented feature in the history of the exercise of the pardoning power of this State that such large rewards should have been made for the apprehension and conviction of criminals, and that those men whose apprehension and conviction were secured by such unprecedentedly large sums should have been the subjects of pardon?

Answer. Wholly unprecedented, and it has had a very evil effect.

Question. Was it or not the case that the apprehension and conviction of persons charged with crimes were procured by means of very large pecuniary rewards, unprecedentedly large, and that subsequently they were recipients of executive pardon?

Answer. That has been charged; I do not know personally of its being true, except in one case reported in the decisions of the supreme court. There is one case of that kind that went to the supreme court, and the judge pronounced the offense a most outrageous crime; yet the offender was afterwards pardoned. It has been charged in the press that that thing has frequently occurred.

Question. A large reward procured the conviction in that case, and then pardon followed?

Answer. Yes, sir. The difficulty in the case is that our people have not been able to do our officers justice when they were entitled to it. But at the same time, just as you have said, unprecedentedly large rewards, and an unprecedented number of rewards, unknown to our history before, have been offered for the arrest of criminals, even for minor offenses; and then, when the parties have been arrested and convicted, and the rewards have been paid, they have been pardoned.

Question. By the same officer who offered the reward?

Answer. Yes, sir. But I think the difficulty in regard to pardons has been because the governor has a nature that cannot resist importunities. At the same time, I do not think he is such a man as we would have chosen for governor in a healthy state of things.

By the CHAIRMAN:

Question. Now, to go to the point from which we have wandered. After Johnson's reconstruction, as it is called, you had a legislature?

Answer. Yes, sir.

Question. They legislated on the subject of labor and employment, did they not?

Answer. Yes, sir.

Question. Without asking you what that legislation was, for of course it is document-

ary, I will ask you whether in your opinion that legislation was wise and fair and just?

Answer. I think it was the intention to have it wise, and fair and just, but there was so great a change in our industrial system here that it was utterly impossible in the beginning to make any system perfect. I think that the legislation adopted by our first legislature was not perfect, but I think it was intended to be fair and just. I think it would have been improved by this time had such men continued in the legislature.

Question. You think that legislation was intended to be in accord with what was understood to be the governing sentiment of the United States?

Answer. So far as the civil rights of the negro were concerned, I do.

Question. The United States having proclaimed the negro a free man, as you are aware, you were able to look high enough to see that the nation stood pledged before mankind to see that that freedom was made a substantial and real thing, and not a merely illusory benefit?

Answer. Yes, sir; I think that the Government should see to that.

Question. And even if they had no disposition, except the mere instinct of avoiding the reproach of the world, they would have been compelled to have done it?

Answer. Yes, sir, I think so; I make no issue on that.

Question. Do you think the legislation I have referred to was enacted in that spirit?

Answer. I think it was; I think that if the government of the State had continued in the hands of the original population, we should have been far on that road by now; we would have had almost a perfect system in accordance with the General Government and the purpose to which you allude. I, for one, can say that was my ambition and desire; I believe it was the general sentiment of the old whig and Union element of the country, the element which embraced the great body of the slaveholders. This is the fact: they were very much opposed to secession, and they looked upon the result of the war as what we feared all the time, and what we charged the democracy with having done.

Question. I hope my associates upon this committee will pardon me if I am somewhat prolix; I desire to ask this question: If slaveholders in the South, or in Georgia alone, had, as a class, openly and unequivocally denounced the secession movement, from the time Mr. Lincoln was first elected, and especially had denounced it after it was made in their name, and for the protection of their property, do you believe it would have ever been possible to have put these States into an attitude of rebellion?

Answer. If the slaveholders had been unanimous in that opinion I think it would have been impossible. I think, however, the great majority of the slaveholders did denounce secession, and did denounce all the pretenses for secession that were made in their name.

By Mr. LANSING:

Question. You are speaking of this State?

Answer. Yes, sir; I think so.

By the CHAIRMAN:

Question. Did they do it in any organized form?

Answer. They did.

Question. By any convention or public meeting?

Answer. Only in county meetings. The whole whig party did it, not as slaveholders, because we did not want to create the impression that there was an interest in the United States that was for the slaveholder and was not for the non-slaveholder, but as Union men, as co-operation men, as old whigs, in our county meetings and everywhere we openly denounced secession.

Question. You have spoken of the press; in whose hands is the so-called democratic press in this State; in the hands of the secession democracy, or of the Union whigs?

Answer. It is in the hands of both.

Question. Which has the preponderance?

Answer. I have not examined the matter in that respect so as to state fully. There are some men who have charge of the press whose political opinions before the war I could not identify. Some of our very best papers, I know, are in the hands of the Union whigs, some in the hands of original secessionists, and some few of our papers pursue a dignified course of criticising the Federal Government and the State government. I think one of the evils of the times, and one of the greatest evils now in the way of entire harmony, both with the nation and our State administration of affairs, lies in the fact of the indiscriminate abuse bestowed by our democratic press upon our State and Federal officials. They denounce everybody, for instance, as a traitor, or at least a great many of them do, who advises our people to accept the amendments to the Constitution. Yet my own opinion is, that the majority of our people are willing to do that thing.

Question. What proportion of the papers that were secession papers, that at the be-

ginning of the war advocated secession, and continued their publication during the war are still published, and substantially by the same men, and in the same spirit that actuated them previously?

Answer. Well, sir, there are few papers in the State that were published before the war and during the war that are now published by the same men. I call to mind at this time but two.

Question. What two are those?

Answer. The Savannah Republican and the Columbus Inquirer are published now by the same men that they were published by before the war, and by old Union whigs.

Question. When I say published, I mean controlled by the same intellectual force.

Answer. The same men?

Question. Yes, the same order of opinion.

Answer. The Savannah Republican and the Columbus Inquirer, I believe, are controlled by exactly the same men who controlled them before the war, and they were both Union whigs, and their papers are very dignified papers.

Question. They were Union papers before the war?

Answer. Yes, sir.

Question. How about the Augusta Chronicle and Sentinel?

Answer. It is controlled by different men, but I think the chief editor now is one who was an old Union man. I think the Augusta Constitutionalist is edited by the same man who edited it before the war; I think he did not edit it during the war. The Constitution, of this city, is a new paper, originated since the war. There is no paper published now in Atlanta which was published here before the war.

By Mr. VOORHEES:

Question. They were all burned up, were they not?

Answer. Yes, sir, I believe so.

By the CHAIRMAN:

Question. The papers speak for themselves. You have said something in regard to the secret organization known as the Ku-Klux organization. Have you ever investigated that matter at all; looked into it and tried to find out what it is, and the extent of it?

Answer. No, sir; no more than any ordinary citizen would. I never have had any occasion, except in this case in which I was employed the other day. I investigated that case quite thoroughly. And some time ago I did take the trouble to investigate two or three cases; I made some investigation, as far as I could, of what is known as the Ashburn case. I investigated somewhat a case that occurred up in Chattooga County, I believe. There was a case said to have occurred in the county in which I live, Clarke County, an assault upon a negro who was elected a member of the legislature. I desired to indict the offenders if they could possibly be found out.

Question. What was his name?

Answer. Alfred Richardson, I believe. I was away at the time, but I was informed, I believe by the governor, that Richardson came here and said he was assaulted by a band of Ku-Klux, and he killed one of them. I went back to my county, and I was very anxious to have the grand jury find out who the men were, and to prosecute them. But I was unable to find out; and, in fact, there were two opinions as to whether there had been any assault.

Question. There are a great many people who disbelieve entirely in the existence of any such organization?

Answer. There are many people who disbelieve in the existence of a regular organization. I believe that most people now will concede that there have been bands, local, temporary, and sporadic in their character. I believe there are, but I do not know.

Question. And a large number of people who believe that whenever these occurrences take place they are justified, morally at least, if not in law?

Answer. There are some people who justify them, but I do not think the great body of our people do. There are some cases in which they have been justified. I could give you one in which I would have been employed, and which I believe the people justified, as far as I heard any expression of opinion; I did not, myself, justify it. Two or three years ago, I have forgotten the exact date, a man of the name of Wallace was killed in Warren by a man of the name of Doctor Darden. The father of the deceased man, hearing that I was in the city, came to me to get me to prosecute the murderer, and I told him I would do so. He was to go down to the place, Warrenton, investigate the case, and report to me the result of the investigation. He said that if his son was in the wrong in the difficulty, he would have nothing more to do with it; if his son had been, however, brutally murdered, as he believed he had been, he should ask the laws of the county to punish the murderer. He asked me to prosecute the case, and I promised to do so. He started away the next day, but the night before he got there the murderer was taken out of jail and hanged, as I heard, by a band of disguised

men. The statement made at the time as to the reason why it was done—I inquired, simply because I had become interrested in the case in that way; the statement made at the time was, that this man Darden had been heard to say, that if he killed Wallace he knew he could get a pardon, and the people of the city thought they would not give the governor a chance to pardon him.

Question. Did you understand the cause of his killing Wallace?

Answer. Yes, sir, it was published. Wallace was the editor of a paper, and this man Darden, it seemed, had applied for admission into a Masonic lodge, and had been black-balled. I am not a Mason, and do not know anything about it; but that was the statement at the time. Wallace came out with a vituperative article in his paper about Darden in that connection. That was the only alleged cause I have heard for Darden shooting him.

By Mr. BAYARD:

Question. Will you state the circumstances of that shooting?

Answer. The circumstances were these: Wallace was returning to his office from dinner, or going to dinner from his office; I do not remember which; and Darden shot him from a house, without being seen. He seems to have waylaid him, and to have shot him down without giving him any notice. The rumor was that Darden said either before or afterward that it did not matter, for Bullock would pardon him. That was the excuse for taking the man out of the jail and hanging him. Another reason was that the sheriff of the county was in complicity with Darden, and furnished him with arms in the prison. I heard many people say that was all right; I did not think so.

Question. Do you know whether Wallace himself had committed many homicides before he was killed?

Answer. I do not.

Question. Do you know whether he had made threats against Darden?

Answer. No, sir; I do not. I read the article against Darden, and at the conclusion it said that if the statements were not true, the author would take them back.

Question. Do you know whether Wallace was at the head of the Ku-Klux order in that county?

Answer. I do not; I think I have heard the charge that he was a member of the order.

Question. You have not studied this organization?

Answer. I have only investigated a few cases for the purpose of ascertaining who were the guilty offenders. One reason for investigating the few cases was upon the attempt to reconstruct Georgia some time ago, and these Ku-Klux outrages were made to bear very, very heavily against even Union parties. I wanted to know if that was the case, and, if so, I wanted the people to put down the Ku-Klux. In the second place, I arrived at the conclusion that a great many of these outrages were committed by gentlemen who wanted a reconstruction of the State, and committed those outrages to give an excuse for it. I have always thought that two or three of the most outrageous murders committed in the State were really committed by persons of the same political faith of the parties slain.

Question. And committed for the political effect they would have?

Answer. I think so. And a great many of us who have really wanted to be reconstructed have been between fires.

Question. Will you have the kindness to state to what cases you last referred, where persons were killed by their friends?

Answer. I think Ashburn was killed by his own political friends.

Question. So as to have the benefit of the political capital that could be made out of it?

Answer. I do not think the motive for killing Ashburn was altogether that; I think there was a personal grudge, or jealousy on the part of some of his political friends. And though my mind is not positive, I am inclined to believe that this fellow Adkins was killed expressly for political capital by his own friends. I was positive about that at one time, but I am not so positive about it now.

Question. Killed by his own friends?

Answer. Yes, sir; though I think likely some of the others were in it also. I may be wrong, but that was the conclusion to which I arrived.

By the CHAIRMAN:

Question. Do you know of anybody in the State being punished for any of these alleged Ku-Klux outrages?

Answer. Well, sir, I do not; I cannot name any case.

Question. You have not prosecuted any cases?

Answer. No, sir; I have expressed a willingness to do so, but the difficulty has generally been in regard to identification.

Question. Do you believe that these men, if there are any such, concerned in these lawless acts, would make you their confidant?

Answer. No, sir; I do not believe they would, for I do not believe there is a man, woman, or child in the State who thinks I would countenance any such thing under any circumstances.

Question. Do you think their victims would come to you for sympathy and protection?

Answer. I think they would now; I do not think they would have done so twelve months ago, because they look upon me now as a bitter enemy of the whole concern; but then there was a rumor that I was even connected with the Ku-Klux.

Question. As a matter of fact, have any of them ever come to you?

Answer. No, sir; except this case in Clarke County. I undertook that of my own accord. I supposed the poor negro had no means of employing counsel. I investigated that of my own accord, at the suggestion of the governor.

By Mr. BAYARD:

Question. The case of Alfred Richardson?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Is it not the fact that many people in Georgia are in precisely your condition, that the offenders would not give them their confidence, and their victims would not?

Answer. I think so; I think that is one of the reasons why many of our best people have been utterly powerless to remedy this thing.

Question. State whether many of your best people, who would frown down and discountenance everything of that sort, have not been afraid to do it.

Answer. I cannot say that many would have been afraid to do it. I think it very likely that some have been afraid.

Question. So far as I have observed your papers, (and I have examined them both before I come into the State and since, I mean the democratic papers,) two lines of thought on this subject seem to run along through them; one is to deny the existence of this organization, and the other is to discountenance with unmeasured abuse every effort to punish such offenses, and even to inquire and ascertain whether in fact they exist, not alluding now to the investigation by this committee, but to inquiries by grand juries, Federal and local. Why is that?

Answer. I am unable to give you a very satisfactory reason. I think myself that the great body of our people are really anxious to put down anything of this sort, the great body of our people of the best class, almost without exception. There are a very few, however, who, as you have stated, have denied unconditionally the existence of such things at all, even in the local and sporadic form I have mentioned, for I do not myself believe they have existed in any other form. I think they have discountenanced the effort of some people to investigate them, first, because they professed to believe that they did not exist; second, because I think a great many of them have honestly been actuated by a simple desire to pander to what was considered sectional prejudice on this subject. I think we have a class of people in our State, and democrats, too, who are willing to use this occasion, as a great many politicians use all occasions to make themselves popular, by simply pandering to what they consider the sectional prejudices of the hour. I think some have been extreme and ultra in denouncing all pretense of lawlessness, merely for the purpose of making political capital for themselves individually.

Question. Take the case of an honest man, desirous to do justice and to know the truth, who reads nothing but the democratic papers in Georgia, would he believe that there had been any of these outrages and enormities committed from anything he would see in those papers, published as matters of information or for the purpose of denouncing them and rebuking them?

Answer. Heretofore, I believe, that if a man was shut up to the information derived from the democratic press of Georgia, he would have believed that there was no such thing; but I believe now the thing would be different. A great many of our papers are awakening to the fact that there is such a thing as I say, local and temporary in its character. I have believed, myself, for a long time, that there have been these local organizations, and I believe they have been owing to the two facts I have stated, and not political in their character. Some few have been political, no doubt; I think that in some cases democrats have availed themselves of the public sentiment for the purpose of exterminating a radical; and I believe some colored people have organized for plunder and robbery. But I believe there have been some cases where men have been made victims by their own political friends for party purposes and ends. I think democrats have been guilty; that plunderers and robbers have been guilty; and I believe that radicals have been guilty for the purpose of making capital

at the North, and to keep the State governments in the South in the hands of the class of men I have described.

Question. Have you ever seen what purported to be a manual or ritual of the order?

Answer. No, sir.

Question. Have you ever seen a description of any of their forms or ceremonies?

Answer. No, sir.

Question. Have you seen any of their disguises for man or horse?

Answer. No, sir; and I do not believe that any man in the State who belongs to it would either let me know he belonged to it, or show me the disguise he had, or give me any information in regard to it.

Question. Then, supposing there was an organization, would you not be as little likely to know it as any man in the community?

Answer. Yes, sir; that is true. Besides I have on one or two occasions investigated the matter professionally; as a citizen I have had an inducement to investigate the real, true character of the thing. Besides those two things, I think I would be as little likely to know anything about it as any man you could find.

Question. You have said that these people who would engage in such a thing would be very careful that you should not know it?

Answer. Yes, sir; that is true.

Question. The negroes and republicans have not had a great deal of confidence in you?

Answer. Well, as a general thing, I think they have not; but the negroes who know me have had unbounded confidence in me.

Question. That is personal confidence?

Answer. Yes, sir; I think the negroes in the county where I plant and have lived, would not hesitate to trust me.

Question. Have you heard of any other cases of outrage by disguised men than those you have mentioned?

Answer. I investigated the case of Mr. Alfred Richardson for the purpose of having it prosecuted. Well, there was—I do not know that it was worth anything; I never thought it worth anything myself. But I came out in a letter, in December, 1870, advising our people to accept the amendments or to regard them as fixed in the constitution. I was absent from home; but my family got up one morning and found the head of some sort of a figure with K. K. K. under it, and with a notice to me as a damned radical to leave the State by the 1st of January. But I never believed that was got up for political purposes; I thought it a joke, and think so yet.

Question. You spoke of having been badly treated in connection with your opinions upon the repeal of the Missouri compromise; I think you stated you were burned in effigy, and otherwise denounced as an abolitionist?

Answer. Yes, sir.

Question. We all know what it was in those days to charge a man with being an abolitionist; is it about the same thing now in public estimation to charge a man with being a radical?

Answer. About the same.

Question. And the republican party is always referred to as the radical party?

Answer. Yes, sir, the republican party in the South as seen by our people only through the men who are in power here; and as they are very bad men, our people consider the republican party as composed of that class of men. They do not know of what character of men the republican party in the North is composed.

Question. All republicans are always spoken of as radicals, and in the same general spirit?

Answer. Yes, sir, I think so. I think that a radical now in Georgia occupies very much the situation, in the estimation of the people generally, of an abolitionist before the war. If possible, I think they are regarded with a little more odium, because of the fact that I have stated, that the great body of our people think the purpose of the radical party is to keep down the white people and put up the negroes. They do not object to the negroes being put up, but they do object to the white people being put down.

By Mr. LANSING:

Question. I understand you to say that your people are opposed to negroes voting and holding office?

Answer. I believe they would have opposed it originally because they do not consider the negro qualified to exercise that right.

Question. Then they are not so much in favor of elevating the negroes?

Answer. They are in favor of giving him equal rights, and they would give him political rights if they thought he was qualified. I think our people are willing to accept the amendments conferring both political and civil rights as an end of the controversy between the sections, or until the northern people shall choose to change them, if ever. They believe that the northern people have adopted those amendments and

are determined to maintain them, as, in their opinion, the results of the war. And as our people are utterly unable to affect those results, I think the great body of the people will acquiesce and submit from this time forward, and will in good faith give the negro his political and civil rights.

Question. The incoming legislature, which is to assemble here on the 1st of November, is largely democratic in both branches?

Answer. Yes, sir, it is very largely democratic in the house; it is democratic by only a few votes in the senate, for half of the old senate hold over.

Question. So far as you know the personal history of those gentlemen, are they of the old Union whig element, or of the old secession democratic element?

Answer. They are a mixture; but most of them are young men, who never had any connection with any old political party. Those I have the most personal knowledge of are old Union whigs, because that is the class of population I knew the most about. I think there are some of the other element in it.

By the CHAIRMAN:

Question. The newspapers of the country within the last few days have given us a somewhat extended and highly complimentary account of an interview between yourself and a gentleman by the name of Redfield, correspondent of the Cincinnati Commercial. Have you read that account?

Answer. I have not; I have been absent for several days and have not seen the papers. A gentleman of that name, who is correspondent of the Cincinnati Commercial, did call upon me in my office, and have a conversation with me. I did not know whether he reported it or not.

Question. I am sorry you have not seen it. I will read a paragraph or so of it. It is copied in a paper published in my own town:

"Mr. Hill is of the opinion that the fate of Georgia hangs upon the events of the next few months. 'Our legislature meets in about two weeks,' he said, 'and much upon their action hangs our fate. No half-way measures will do. They must take a bold stand in favor of the constitutional amendments, and assure the people of the North that Georgia accepts all issues of the war. We must not halt or hesitate. There is no time for delay. Our legislature, being a democratic one, must affirm in no unmistakable terms their acceptance of the amendments, and their disapprobation of Ku-Kluxism.'"

Answer. I said all that.

Question. The correspondent goes on further to say:

"From the steps General Grant is taking in South Carolina," continued Mr. Hill, "I should not be surprised to see a portion of our State under martial law in less than ninety days. If we don't enforce the law ourselves it will be done for us. The Ku-Klux business is the worst that ever afflicted the South. Every day that we let it continue we cut our own throats. What possible good can it do? Will it reverse the verdict of the war? Will it injure the North? Will it restore to us anything we have lost? Not at all; it is a curse upon our land, a blight following slavery and war, and the greatest blunder our people ever committed, excepting the one forced upon the country by the secession leaders in 1860. The history of the world presents nothing so suicidal and self-destructive as that, and I always make an exception in its favor."

Answer. I see nothing to correct in what you have read; that is all true.

Question. What portion of the prominent leaders of what is called here the democratic party (by that I mean those who do not support the republican party) concur in these views of yours?

Answer. Of the leading men of the democratic party?

Question. Yes.

Answer. Well, sir, I know very few.

Question. Take those gentlemen who were prominent in the politics of Georgia at the beginning of the war, especially in national politics, members of the Senate and of the House, &c.; do you know of any of them who concur in your views?

Answer. Well, we had but few old whigs in the national councils. Of the democrats that were in the national councils, I will say that I have really sought to get the opinion of very few of them, and I do not know much about them, except as I see them in the public press. As I understand it, the most prominent leading democrats in the State, of the old democratic party, are opposed to these views of mine. But as far as I know, the old leading whigs and the Union democrats are in favor of them. I have received from some of the democrats warm indorsements for similar views to these. I think that the sentiment expressed there will very soon become the dominant sentiment of the State of Georgia.

Question. Of course you are satisfied that such ought to be the case?

Answer. I am, because I am satisfied it is the sentiment of the North, and I think we are whipped and cannot resist that sentiment, and it is our duty to submit. I would have submitted exactly in this spirit in 1867 but for that feature of the reconstruction

measures which I thought dishonored our people and destroyed our sense of self-respect.

Question. You have been asked some questions upon the subject of the removal of disabilities. The disabilities enforced by the third section of the fourteenth article of amendment are all the disabilities, political or personal, all the inconveniences, political or personal, to which the Government has subjected the people who went into the secession movement?

Answer. Those are all the disabilities that remain; but you must remember that in the reconstruction measures the disability extended even to the right to vote. In point of fact, we now live under a Government which a large portion of our people had no agency in creating.

Question. How many men in the State of Georgia do you suppose were included within the scope of the third section of the fourteenth article of amendment?

Answer. I think several thousand of the very best people we had.

Question. It includes those who held State or national offices before the war, and swore to support the Constitution of the United States, and subsequently gave aid and support to the rebellion?

Answer. That includes a vast number, in Georgia especially; under the laws as we had them before the war there were a great many persons who held office in the State of a mere nominal character—a sort of posts of honor; for instance, each county had five justices of the inferior court, as it was called—a mere county court—and we always selected for those offices men who made them a stepping-stone to the legislature—of the best classes of our people—and they would be changed very frequently; a man would be a judge for one or two years, and then another would be elected in his place; a great many of those men went to the legislature; all those are disfranchised, and the number is, unfortunately, very considerable.

Question. It did not include any man who had not been an office-holder before the war?

Answer. No, sir.

Question. It does not include any man who has become of age since the war?

Answer. No, sir; but, unfortunately, there were a great many nominal offices in the State which were generally given to the very best class of our population; those are the very men we now want to obtain the services of; it is not so much the exclusion of politicians that we complain of, as of so large a portion of the population of Georgia.

Question. What is the population of Georgia?

Answer. About 1,200,000, I think.

Question. What is the proportion of blacks and whites?

Answer. I think the whites are something like 100,000 in the majority; I am not so certain about that.

Question. Would you like to be understood as expressing the opinion (for that I understand to be substantially your opinion) that, with the exception of those few thousand men, there were not a sufficient number of men out of this population qualified to hold office in the State of Georgia?

Answer. No, sir; I did not say that.

Question. No, you did not say it, but it might be inferred from what you said, and I do not wish to leave you in a position to be dealt unfairly with.

Answer. I did not say that; but I will say this: that the exclusion of the several thousands I have spoken of in the first place excludes the very best men we have—men who largely control public sentiment—and that element has been embittered upon this subject of reconstruction. I must say again what I have said publicly very often, that I do not think that, even with the present disfranchisements, the present government was elected by the people; I do not think there ever has been really a majority vote of the republican party in Georgia under reconstruction; I think the success of the vote upon the question of the convention, and upon the election of the last governor, was the result of the count, and not of the vote.

Question. In other words, you think it was a dishonest return?

Answer. No, a dishonest count of the returns; I have ever thought so, and our people believe so. I think the exclusion of the several thousand men in this State who are excluded by the third section of the fourteenth article of amendment very materially affects the wisdom of any legislative body that could be chosen, and, unfortunately, creates a feeling of bitterness on the part of the people that I think paralyzes the good work of even those who are chosen.

Question. Suppose that, at this time, in the present condition of things, Congress were to pass a law, or were to adopt a policy of this kind: that political disabilities should be removed from every man who would in some form or other——

Answer. Accept the amendments?

Question. Not that; who would, in some form or other, definitely and affirmatively renew his allegiance to the United States?

Answer. That is the same thing.

Question. If that was done, are there any persons in the State who would refuse to do it?

Answer. If you put it in that form, I do not think there are.

Question. Of course the manner of doing it might be different.

Answer. If you allow them to have their disabilities removed upon the condition of taking an oath of allegiance to the United States I do not think there would be any one who would refuse.

Question. You think none at this day would reject such a proposition?

Answer. Some might do it in this way: they might say that they would not take the oath, but that they would be faithful to the Government; but I do not think many would refuse to do that.

Question. So far as you know, is it the fact that some men whose political disabilities have been removed at the request of friends, without any application on their part, have afterwards boasted that they never asked to have their disabilities removed, and never would have done so?

Answer. Yes, sir, there are such; and there are men who have sought to create an impression in the State against the application of citizens for the removal of disabilities, on the ground that it acknowledged that they had sinned.

Question. Would not that very much embarrass gentlemen who are not only willing, but desirous to have the disabilities of the people of the South generally removed?

Answer. Yes, sir; and it has embarrassed a great many gentlemen who would have otherwise applied for the removal of disabilities, many of those who possess weak nerves; I think there are some who think that there is no possibility that their disabilities would be removed, who are anxious to create that sentiment.

Question. You have been asked in reference to this Holliday transaction; of course your testimony and his will be published together, and I do not care to ask anything further in regard to that matter, excepting to say that if I understood you correctly the parties who came to you told you that he had been attacked?

Answer. No, sir; they said they had been arrested upon the allegation that he had been attacked, but the gentlemen who came to me said that they did not believe he had been attacked; I put them on an examination myself, and I called upon them to explain the bullet-holes; they said the neighbors said they believed he did it himself; and I believe he was under an hallucination; that is my honest opinion.

Question. I understood you to say that he had been attacked for whipping his wife?

Answer. Those gentlemen told me that those persons had been arrested as Ku-Klux. I said, "What for?" They said, "For an assault upon Holliday, they say." I said, "What was Holliday assaulted for? What does rumor say he was assaulted for?" They said, "For whipping his wife." But those gentlemen utterly denied that it had been done by anybody; some, on the contrary, believe that Holliday had been assaulted by somebody; they did not know by whom.

By Mr. LANSING:

Question. Some among those same men who applied to you?

Answer. Yes, sir; but not any of the men arrested.

By the CHAIRMAN:

Question. Have you known of an instance where parties charged with this class of offenses, with going in bands in disguise at night and committing acts of violence, have been arrested, that they have not attempted, and generally with success, to defend themselves by proving what is technically called an *alibi*?

Answer. That is a very common defense.

By Mr. LANSING:

Question. You say you think Holliday was laboring under a hallucination?

Answer. Yes, sir.

Question. To the extent of being deceived as to the fact of his having been assaulted?

Answer. I do not know about that; but his hallucination about whom he hurt and killed was so great that I thought it might even extend to that; I do not know how he is when not drinking; they say he was drinking when I talked with him; I do not know that that was the fact; but my candid opinion is that he could be hallucinated to any extent.

Question. I merely wish to know whether you think that hallucination went to the extent of his being misled or deluded as to the fact of his being assaulted?

Answer. I believe that his hallucination would be capable of going to that extent; that is the best answer I can give to that. But, at the same time, the best inclination of my mind is that somebody did assault Mr. Holliday.

By Mr. VOORHEES:

Question. Are you not perfectly satisfied that he was either hallucinated or lying in regard to the men having been killed?

Answer. I know he was one or the other.

Question. And you gave him the benefit of your charity, as well as your judgment, in supposing it was hallucination?

Answer. Yes, sir; I told the parties this, that they could unquestionably convict him of perjury, but for that condition of his mind that, if I were defending him, I knew I could acquit him upon the plea of insanity, and, therefore, I did not wish to prosecute him.

Question. You were asked a question some time ago in regard to the views of the people of Georgia upon the enfranchisement of the blacks, and their eligibility to office; do you think the public men or the people of Georgia are any more opposed in sentiment to the enfranchisement of the negroes, and their eligibility to office, than the public men and citizens of California, Oregon, and Nevada are to the enjoyment of similar rights by the Chinese on the Pacific coast?

Answer. I do not think they are.

Question. From your reading and knowledge of the races of mankind, do you consider the southern negro equal in intelligence and the capacity for self-government to the Chinese who have emigrated to this country?

Answer. Well, sir, I have really read so little about the Chinese that I am unable to give you a positive answer upon that question. My general idea is that there is very little difference, although I rather think the negro is the inferior of the two.

Question. Have you ever been thrown in contact with Chinamen?

Answer. No, sir.

Question. Are you aware that you can seldom meet with one in this country who cannot read and write?

Answer. I am not aware of that.

Question. Are you familiar with the position which the republican candidate for governor of California assumed in the recent canvass of that State in opposition to the enfranchisement of the Chinese, and their eligibility to office?

Answer. I am not.

Question. Are you familiar with the speeches and votes of the republican Senators and members in Congress from California, Oregon, and Nevada, in violent opposition to the right of the Chinese to suffrage or office, or even to the privilege of naturalization?

Answer. I am not.

Question. From your reading and observation do you think the State of Georgia has at this time, or has at any time in the past two years, a greater average of crime committed in her borders than States of the North with an equal population?

Answer. I think not, including even the Ku-Klux outrages, because, while there have been some outrages, there has been an extra effort on the part of the best classes of our people to keep down crime.

By Mr. LANSING:

Question. Is not this probably true, that the general decline and derangement of business in Georgia, for some years past, since the war, has had a tendency to diminish the class of crimes that are perpetrated in more active communities?

Answer. I am unable to say that; it might diminish the particular character of crimes that a multiplicity of business would create.

Question. That is what I mean.

Answer. At the same time I think the decline of our prosperity has developed another class of crimes, and, taking the character of crimes, I do not think there would be much difference.

By the CHAIRMAN:

Question. We have testimony before us to this effect: a colored man found a white man in bed with his wife, and he took an opportunity to put him to death. He was arraigned, tried, convicted of murder, and sentenced to be hung, and the governor commuted his punishment to imprisonment in the penitentiary for life. Does that statement of facts recall the case to your mind?

Answer. I do not recollect it now.

Question. Was his action in that case of the kind to which you objected?

Answer. No, sir, for I believe our people would have justified that commutation.

By Mr. VOORHEES.

Question. I am going home North this afternoon, and I will be asked when I get home a great many questions about the condition of the people South, for we have a great deal of affinity with you. And I will be asked among other questions whether men from the North, farmers who desire to buy land, mechanics who desire to labor, and men in all the various avocations of life, can come here and be as safe as where they live now, and whether they would be treated with any less respect because of their nativity, provided they conducted themselves with honesty and fairness toward your

citizens; and whether their political sentiments would have any effect whatever upon their treatment?

Answer. The great mass of our people, and I must say almost the entire people, would be glad to have just such people come among us, and they would be treated with entire respect, socially and otherwise. A great many of us are really feeling anxious upon that subject. I am glad you have asked the question, for we are anxious to disabuse the minds of the North of the contrary impression. We would offer them advantages to come here, nor would it make one particle of difference what were their political affiliations.

Question. Suppose a set of men, a number of men, should agree to buy land together, and would make a settlement, as it were; if they became industrious citizens, would they be able to associate and treat with their neighbors upon terms of equity and justice, and would it make any difference where they came from, or what were their political sentiments?

Answer. Not a particle; but, on the contrary, we would give them a welcome. I wish to explain here that there has been a sensitiveness on the part of our people heretofore upon that subject, in reference to those people who have come down here as we thought for the purpose of getting control of the negro in order to elevate themselves to office. That class of people have not met with favor.

Question. You do not regard with favor the man who comes down here without any basis of employment, or who comes to figure around in order to get himself returned to office?

Answer. No, sir, because they demoralize labor, keep up a state of bitterness between the races, and prevent our recuperation and improvement.

Question. Did you ever know of any community on the face of the earth, or did you ever hear of one or read of one, where such characters were respected, mere political adventurers hunting for office?

Answer. I never did.

Question. I never did either.

Answer. It is not the fact that a man is a northern man that operates to his prejudice, but the motive of his conduct.

Question. Do you know Captain True, here?

Answer. Yes, sir, one of the gentlemen I referred to when I said a northern man was respected as much as a southern man.

Question. Has he obtained positions here?

Answer. Yes, sir.

Question. He was an officer in the Army of the United States?

Answer. That would make no difference.

Question. A straight-out, well-recognized republican?

Answer. I understand he is a republican, but one of those republicans who do not make their politics offensive.

By Mr. LANSING:

Question. And who do not vote?

Answer. I do not know whether he votes or not.

Question. He says he does not.

Answer. We understand that he comes here to assist in developing our country. He is a man of work, teaching our people how to manage their lands. We are delighted to have such men come, and we do not inquire about their politics; I do not.

By Mr. VORHEES:

Question. Would it make any difference in his treatment by your people if he voted at every election, commencing with supervisor, and voting all the way up?

Answer. Not one particle; I supposed he always had voted.

By Mr. LANSING:

Question. Do you understand that Captain True says that he has not voted since he has been in Georgia, and that he refrains from voting in order to avoid excitement?

Answer. No, sir; I have not heard so much as that. I have only admired Captain True very much because of the fact that he is identified with the material interests of our country. I have been told that he is a republican, but I never heard whether he voted or not until you have mentioned it here.

Question. And you think that a northern man coming down and settling in Georgia would be well and favorably received in society and in all the associations of business, even if he actively participated in the politics of his locality as a republican?

Answer. I think ——— well, it would be very difficult, I would state, for a northern man to come down here and actively participate in politics as a republican without soiling himself with unfortunate associations that would affect his social standing. The great difficulty in the republican party here is that they have very little material with which a northern gentleman of respectability can affiliate.

Question. Do you think he would be likely to have more or less difficulty as a republican than if he actively participated in politics as a democrat?

Answer. I think he would have more difficulty for this reason: A man who comes here and acts with the democratic party at once puts himself in alignment with the best part of our population. The difficulty with a northern republican is not that he is a republican, but that the associations with which his professions would unfortunately throw him in this country would be unfortunate.

Question. Then the fact that his alliances would be unfortunate would not depend upon the principles of those with whom he would be associated, but with the *personnel* of that association?

Answer. Not at all; it is not the principles but the unfortunate affiliations which circumstances make it necessary for him to have.

By the CHAIRMAN:

Question. Do you associate much and confidentially with gentlemen from the North?

Answer. O, whenever they come I am glad to do so.

Question. Do you ever visit their families and associate socially with them?

Answer. With a great deal of pleasure. By the way, I owe you gentlemen an apology. I would have been glad to have seen you before this, but I had to go to a fair at Macon, and I have been but a few days back here.

Question. Have you heard gentlemen who came here, without regard to politics, men of capital who came here to invest it, and people who stood well where they came from, whose wives moved in good society where they came from, say that their families have been utterly neglected; that no lady ever called upon them or showed them any attention, either in the street, church, or anywhere else? Have you ever heard anything of that sort?

Answer. I have heard such rumors, but I have not known them to be true. I have no doubt that there are some of our population, especially among the ladies, who are exceedingly sensitive on that question. A great many persons come here from the North whose positions are not known; many of our people assume that they are what we call carpet-baggers, and until they know better they refuse to affiliate with them. But I have known no instance of a person respectable at home who has been tabooed by the better class of our population, as a mass, on account of his politics.

Question. Have you known instances where persons from the North have sent their children to school with the children of families here, and those children have come home crying, for the reason that they had been insulted and taunted with being Yankees, that their fathers were radicals, and various other things?

Answer. I have not heard of such cases, but I think it very likely such cases would occur; they would not be approved of by the great body of our people.

Question. It is not so much whether they would be approved of by your best people, as whether they would openly rebuke and denounce them.

Answer. I think they would.

Question. And make haste to let stangers feel that they had some consideration for the feelings of strangers?

Answer. I believe many of our people would, but I do not doubt there are some who would offer these insults.

Question. When you have made suggestions like those you have made here, in regard to persons coming here with their money and labor, and developing the resources of the country, have you not frequently been met with remarks of this sort: We don't want any of the damned Yankees here; let them stay at home?

Answer. I have heard such remarks, but they are by the ultra and impracticable class of our population, who are not in sympathy or interest with the best portion of our people.

Question. Is it not the fact, also, that this ultra and impracticable class, this aggressive, violent class of men, is able to at least seem to control public opinion?

Answer. Yes, sir; and I have lamented it exceedingly. To be candid with you, that is one of my greatest objections to the reconstruction measures. I think they have furnished occasion for the bitter feeling of that sort; I really think so. The great objection to the reconstruction measures is, that they have paralyzed that very portion of our population who would gladly have co-operated in bringing about a better state of things, both for the Union, for the South, and for the negro. You have put us in the power of the extreme faction. The exact idea you will find in a letter from me to General Grant in 1868. Unfortunately, you have put the Union men and the old whigs of this country in the power of those ultras, by furnishing them an excuse to say, "Did we not tell you these men always wanted to crush you?" And it is for that reason that I said to you that really the old whigs have been the most bitter men against reconstruction, because they have felt that this severity upon them has been unnecessary, and that if Congress was willing to disfranchise at all, it should not have committed the error of mistaking the southern people for the secession democracy; it should not have punished us all alike. While we think you should have visited disfranchisement

upon none, and that we could have controlled these men and put them down, if you had enabled us to say to the people that we were indorsed by the Government, just as we predicted we would have been, the difficulty is that by your reconstruction laws you have put us all under the ban, and forced us to affiliate with the old secession element.

Question. That is not worse than the sending down of arms here, and laying your country waste?

Answer. That was in open war, and we have forgotten all that.

Question. Reconstruction was war not finished, *in bellum non cessante.*

Answer. That is your idea of it.

Question. Now you have the control of things; why not turn around now?

Answer. We are not exactly in that condition yet, but I hope we are slowly getting into that condition. You have postponed, and I fear probably forever, the domination of the old whig element in this country. I am inclined to think you have made this country absolutely democratic.

Question. What is your hope for the future of Georgia. You are still a young man, and have hopes.

Answer. I will give you my own opinion in very brief terms. I have many misgivings about the future of Georgia and of the South, and I will tell you honestly why. I regard that the northern people are determined to maintain reconstruction and the amendments to the Constitution as the results of the war, in their opinion. I believe the most of the northern people are honest in that opinion. I do not make any tirade against their motives. Therefore, I think it is the duty of every southern man, looking to the future prosperity of the South, to recognize the fact that a new era has dawned upon us; that the Constitution has been changed, and that those amendments, whether we regard them as legal or not, must be accepted as results of the war, as defined by the northern people. I believe if our people could be unanimously at once brought to act upon that conviction, and if the Federal Government would see in that a sufficient reason for withdrawing all interference with our affairs, and removing all disabilities from our people, we would be bound up at once and become a very prosperous people—as much so as any on this continent. But the foundation of my apprehensions for the future of the South lies in the fact that there is a large class of our population who are determined to insist upon not accepting what the North defines as the result of the war. And those men prevent the harmony and unity among our people which would otherwise accrue, and keep up a perpetual sectional irritation between the North and the South, keeping us, in a great measure, under the domination of the extreme opinions of the country North and South. They prevent the restoration of good feeling between the North and the South, which would encourage immigration and capital into our States, and to some extent they keep up a sort of bitterness between the races here. The result is, the northern people are prevented from coming here; capital is afraid of investment here; our labor system continues to be demoralized; our politics continues to be a mere hot-bed of licentiousness, sectional animosity, and extreme opinion, to a great extent. If the ultras are to obtain the ascendency, they will furnish a continual pretext to the republican party to interfere in our affairs. And just as I said to the President of the United States, I apprehended that they will find reasons for constantly sending the military among us. The excesses of the ultras on the one hand will furnish the pretext, and, on the other hand, you republicans, availing yourself of that pretext, will keep us under the domination of the Federal Government, and prevent that harmony and accord which I would like to see take place. I am perfectly willing to have harmony and accord upon the basis of the amendments which you are determined to make the results of the war. If we can do that, I think the future of the State is absolutely fascinating. I do not think there is such a country on earth as this is capable of being made with free labor. I do not believe it ever would have been a great country with slave labor as a physical agency in developing our country, because I think its history has proven it to be utterly inefficient as such. It has prevented the multiplication of our industries; it has worn out our soil, because it has been a labor of the muscle and not of skill. If we could have harmony with the Federal Government and with ourselves, and be allowed to take our own government in our own hands, and be able to assure foreigners of the safety of their investment of capital, we would have a better country than any on earth.

Question. How large a portion of your people do you think sympathise with you in that view?

Answer. I think the great body of our thinking men do, and I think all will do so in a short time. But I was going on to say that if we cannot have that, I see no future for this country. On the contrary, I think our property will continue to depreciate; I think a large portion of our better class of population will leave the country. I feel absolutely troubled at leaving my own children here, because I think a servile war may, sooner or later, come; and I am afraid a state of things will be produced which will necessitate a perpetuation of the military government of the United States.

Question. I see that your town here has built up wonderfully since the war.

Answer. So it has; but it is the only town in the State that has been built up. This town was utterly destroyed, and northern capital at once came here and has built it up. This is the distributing point of the whole State above what we call the negro belt proper. Even this town would have grown larger if the causes I have spoken of had not existed. A large number of our towns have deteriorated.

Question. Has there been any exodus of your colored population?

Answer. Very little; because, as I have always held, this is the best country for the negro.

[The committee took a recess; after the recess, the examination of Mr. Hill was resumed.]

The WITNESS. I wish to say that during the recess I have been unable to lay my hand on a letter which I addressed to President Johnson in 1865, and a copy of which I retained. I have also been unable to lay my hand upon the letter I wrote in 1866, expressing the very ideas I have stated to-day in my testimony. I have here a copy of a speech I made October 13, 1868, to the Young Men's Democratic Union, in New York, and also a copy of an address I delivered before the Alumni Society of Georgia. This last is a literary address, but it has been charged in this State that it was a political address, in favor of what is here called the radical party.

By Mr. BAYARD:

Question. Those addresses are the same as were called for by the chairman this morning?

Answer. Yes, sir.

Question. If you have no objection I will have them incorporated into your testimony.

Answer. Very well; I have no objection. [See pages 791 and 799.]

By the CHAIRMAN:

Question. You have spoken of the exercise of the pardoning power by the present governor of this State. A communication has been made to this committee, through its chairman, by the governor of this State, bearing date July 5, 1871, to which there is added a statement by R. H. Atkinson, secretary of the executive department, giving the statistics of the pardons by the governor. I wish you would run your eye over it and see how far that statement accords with your knowledge or information? (See page 809.)

Answer. [After examining the document referred to.] Well, sir, the material facts stated in this report I know of no contradiction to; but they do not controvert at all the facts I have given to the committee. The aggregate number of pardons, even as reported by him, will, doubtless, exceed all the pardons granted by executive authority, in the previous forty years' history of this State. There are some instances, I do not know whether they are included here or not, where the governor did pardon criminals that I know to have been of the most flagitious character. Upon what recommendations those pardons were made I do not know. I wish to represent, as I did this morning, that it is very likely the governor has been imposed upon. I wish also to state that I believe his action was based upon kindness of heart, more than upon any disposition to shield criminals from the punishment which was their due. These pardons have had the deleterious effect I have described, whatever their motive. Our people were ready to believe the very worst motives that could be ascribed for those acts, and that impaired his usefulness.

Question. What do you think of the reason assigned there for many pardons, that they were for cases of offenses committed before or during the war, and that owing to the change of population, &c., it would have been impossible to have had a fair trial?

Answer. One of the cases, as there stated, I know to be true; one that I have special knowledge of. I know the facts in that case to be as there stated, and I have no doubt there were several such cases. I have no doubt that many of his pardons, more than usual in executive terms, were proper, but a great many were improper. The precedent which he established of pardoning criminals before they were convicted, and pardoning some even before they were indicted, has no justification in the previous history of our State. That practice was very unfortunate. I know he has pardoned persons in cases where there had been not even a presentation of the bills to the grand jury. Perhaps he might not have included those in the report. I could mention some of them if necessary.

By Mr. SCOFIELD:

Question. A democratic governor of Pennsylvania, Governor Porter, adopted that plan.

Answer. That may be true, but it has never been the rule here. It exasperated our people very much, especially when they thought it was very important to punish crime. We thought the criminal laws should be more than usually rigidly enforced, instead of being relaxed. There are doubtless a great many reasons in a great many cases influ-

encing the action of the governor not known to our people, which reasons, if known, would lessen very much the opprobrium attached to him.

By the CHAIRMAN:

Question. Has there not been a very strong disposition on the part of a great many people to assail the action of the government of this State, both in the executive and legislative departments, by making a frightful array of possibly evil consequences, and by a very liberal imputation of motives?

Answer. Yes, sir, I think so; and that grows out of the licentiousness I spoke of this morning.

Question. Have not the people been lashed into fury, day after day, by a great portion of your press, wholly incapable of and indisposed to justice or candor or even truth, to say nothing of fair play?

Answer. To some extent that is true.

By Mr. BAYARD:

Question. I will ask you whether this system of reckless assertion, under partisan influences, of which you have spoken as affecting your own section of the country and the press of your State, has not unfortunately been too general throughout the United States?

Answer. According to my observation, I think it is very much too general.

Question. Are you not a reader, more or less attentive, of the public press of the city of New York, for instance?

Answer. Yes, sir.

Question. Would not your remarks apply in a great measure as well to the partisan press of that city as to the partisan press of Georgia?

Answer. They would.

Question. Do you know in this State a class of men, perhaps to speak more accurately, a set of men, who have endeavored to use the military power of the United States, exhibited by the presence of soldiers in your State, for the purpose of blackmailing and terrorizing the citizens of the State, of intimidating the citizens of the State?

Answer. That has been our belief; the actual exhibition of the military we know; the motive we believe.

Question. Tell us the names of one or two of the men who have been believed, or who have been proven, to have used the presence of the military power of the United States for these base personal ends?

Answer. I do not know that I could mention a single name without a little reflection.

Question. Do you know a sheriff of one of your counties concerned in this business?

Answer. O, yes; I have not the slightest doubt that that condition of things was largely true in the county of Warren, in behalf of a man they call Norris.

Question. What is his full name?

Answer. I do not know the man when I see him. I think he is called Chap. Norris. I have never doubted that the military was used by him for that purpose, in his express behalf.

Question. Do you know anything by public reputation of the character of that man?

Answer. Well, by public reputation, I do know a great deal; I know nothing of him personally. His public reputation is exceedingly execrable.

Question. Was it so before the war?

Answer. I do not know what it was before the war. He is a man who sprang into notice since the war, so far as my knowledge of him extends. I have been informed that such was his character before the war.

Question. From information you have obtained in regard to him——

Answer. He was always a bad man.

Question. And before the war was he a credible or discredible person?

Answer. They say now that he was a discredible man then; I know nothing about it one way or the other.

Question. He was obscure before the war?

Answer. Yes, sir; and is yet, except where he is brought into notoriety by the means I speak of.

Question. Are you aware that he went to Washington to testify before this committee in regard to the condition of this State?

Answer. I heard so.

Question. From his reputation in the community for veracity and good character, would you consider him in any case a credible witness?

Answer. I would not.

Question. You have been asked here in regard to cases that occurred long since, among others the Ashburn case. I think it is due to myself to say that I would not ask you any question in connection with that case if witnesses had not been summoned here by the majority of the committee, and examined by the chairman respect-

ing those cases. As you have incidentally mentioned that for some reason you made some examination of that case, I propose to ask you two or three questions regarding it. Who was Ashburn?

Answer. In speaking of Ashburn I can only give you what I learned of him from others. I did have an introduction to him some short time before his death, and I saw him two or three times. He was present once during a long conversation between some gentleman and myself, but I did not know until after he left that he was the man. Ashburn's death created quite an excitement in this country. I saw it was proposed to use it as a political power in justifying harsh measures upon our people before the military authority. In addition to that some of the friends of the parties who are understood to be charged as implicated in the matter, spoke of employing me as counsel. I was not employed, however. The public significance of the act and the use to be made of it, and the probability that I might ultimately become connected with it, induced me to investigate in some measure the character of Ashburn and the facts connected with his assassination. The result of my investigation was this: this man Ashburn seems to have been, before the war, an overseer or controller of negroes in some form, and one who was very brutal to the negro race. He was regarded by the negroes who knew him, as well as by white people, as a man utterly destitute of principle, regard for right or truth, and a man of very low morals. That was his general character. From many of the expressions used by him, as well as from his general conduct, we looked upon Ashburn as one of the men who were seeking to avail themselves of the unfortunate state of things produced by reconstruction to rise into political prominence and notoriety for their own benefit, and not for the benefit either of the republican party or of the South or of the country. He was understood, from his expressions and his conduct, to be a man willing to use the negro element for the accomplishment of his purposes. Therefore, both on account of his moral character and of his political character, he very soon became a mere outcast from the very best society. At the time of his death, according to the best information I could derive, he was living in a sort of negro hovel, in known cohabitation with the wife of a negro who was then living. I think the person with whom he was boarding at the time was reported to me as being a negro wench of not good character. Without going into details I will say that my mind became thoroughly satisfied that the causes of Ashburn's death were two. In the first place, the ill feeling engendered by his connection with the negro's wife, and his affiliation with those characters; and in the second place, some political jealousy on the part of some of his political friends, who felt that he was supplanting them in political preferment. Whether his political friends used the grudge and ill-feeling between him and the negroes to induce the negroes to kill him, or whether they did it themselves, I do not know. But I have been entirely satisfied, from the investigation I made at the time, that Ashburn's death was not caused by what we call the democrats or the better class of our population, but that it was really the result of the causes I have stated. That is the conclusion to which I arrived at the time.

Question. That was from a careful investigation made by you at the time his death occurred?

Answer. Yes, sir; for the purpose of satisfying my mind upon the subject. If I had believed that Ashburn was killed by the democrats, for political purposes, I should have denounced it most roundly, and should have done everything I could to have brought his murderers to punishment, for I would have felt that the interests of our country required it.

Question. Was that case promptly and vigorously, to say the least of it, investigated by General Meade?

Answer. Yes, sir; we thought with very unusual vigor.

Question. At that time you were under military government here?

Answer. Yes, sir.

Question. The will of General Meade was your law at that time?

Answer. Yes, sir.

Question. Are you aware that General Meade made a report to the President of the United States of his investigation in the Ashburn case?

Answer. I understood there was a report; I never read it.

Question. Do you remember the fact that very many arrests were made?

Answer. Yes, sir; and I know some of the parties who were arrested.

Question. And they were subjected to very rigorous confinement?

Answer. They were imprisoned most rigorously. The treatment of those prisoners went as far, perhaps, to embitter our people against the Government as any one act that ever occurred.

Question. And those prisoners were subsequently discharged without proof of their guilt?

Answer. Yes, sir; and I suppose there is not a reflecting man in the State who believes they were guilty or could be guilty of such an offense. Some of them were of our best people; men who, upon principle, would be incapable of committing such a crime.

Question. Do you know whether resort had been made to the torture of the sweat-box for the purpose of obtaining testimony?

Answer. It was stated and universally believed at the time that the sweat-box was applied to certain persons, some colored and some white, who were supposed to know the facts, but who, from some causes, it was said, were afraid to reveal them. They were said to have been put into the sweat-box at Fort Pulaski, and punished most inhumanly, according to their own reports, for the purpose of extorting from them a confession. One man did confess, and appeared in court and testified according to his confession. But there was quite a number who said they could prove his statements were false. There were preparations made to indict him for perjury as soon as the civil courts of the State got into operation, but he left.

Question. Those statements were made under *peine forte et dure*?

Answer. So it was stated. I have never in my life known a more rigorous examination in any court, civil or military.

Question. Was there or not a complete disregard of the ordinary protection of defendants in such a case.

Answer. Utterly so, as I myself esteemed it.

Question. The investigation ended in a failure to convict anybody?

Answer. The prosecution was finally broken down. Our people had great confidence that one or two at least of the gentlemen composing the military court would ultimately do justice, and that the parties would be acquitted. Pending the trial the legislature was organized and accepted the fourteenth amendment, and General Meade restored the State government to its authority, and the prisoners were therefore released.

Question. Did the State authorities have possession of all the evidence in the case, and yet did not proceed with the investigation?

Answer. Certainly. I think that perhaps the matter was referred to the grand jury of Muscogee County, but no bill could be procured because the evidence was not sufficient.

Question. Did the prosecuting officer of that county send up a bill of indictment against any of the parties, or were efforts made by the prosecuting officer to indict parties in that county, which efforts failed for want of evidence?

Answer. So I understood.

Question. Although the prosecution was in possession of all the evidence which General Meade had procured by his system of investigation?

Answer. They were in possession of it, or it was accessible to them. The examination before General Meade convinced our people more than ever that the parties arrested were innocent.

Question. Did the examination of those witnesses by General Meade's military commission and the hearing of the case take place publicly?

Answer. Yes, sir.

Question. The prisoners were represented by counsel?

Answer. Yes, sir.

Question. So that the public were aware of the testimony as it was developed?

Answer. Yes, sir.

Question. Do you know, as a matter of fact, whether the military rule was continued in this State up to the 1st of January of the present year to this extent, that it was the custom of the commanding officer to detail his subordinates to make investigation into cases of complaint arising out of alleged violation of private contracts between individuals, such as the employment of farm-hands by a farmer or, as you term him, a planter, and a decision by military authority of the case between the parties?

Answer. I am not able to answer your question definitely as to dates or the character of the examination conducted. It was certainly the understanding that such was the exercise of military authority in this State up to the time you have mentioned; whether to the full extent you have mentioned I am not able to say.

Question. I mention that as a mere illustration.

Answer. I know it was understood that the military were sending details of soldiers into different parts of the State for the purpose enforcing what they called the civil rights of the citizens.

Question. Without any regard to the civil tribunals open all around them?

Answer. That is my understanding.

Question. And that continued during the year 1870?

Answer. So I understood.

Question. Do you know whether it continues to the present time?

Answer. I do not know that it does?

Question. Has the development of the industrial system of your State, the rise of lands in value, and the general recovery from the desolating effects of the war, been retarded or impeded by the uncertainties produced by the action of the United States Government in respect to your administration of internal affairs?

Answer. I will answer your question in the language which I used in 1868, which I

think applies in full force now. I will state the effects of the reconstruction measure and the policy of the Government toward the State.

Question. I did not use the word policy; I said action of the United States Govern ment in regard to your domestic and internal affairs. By that I refer not only to th acts of Congress, but to the action of the Attorney General of the United States, t the action of the military officers detailed by him, who possessed power and exercise it under the control of those officers.

Answer. I will answer that question. In the first place, they have done more to breal down confidence in the South in northern pledges and constitutional justice than al our previous history, including the war. In the second place, they have stopped bot capital and immigration from coming to the State, and have put a sudden end to al improvements, with few exceptions. In the third place, they have depreciated propert in the South to less than one-half of its value in 1866, and have lessened products ver immensely. In the fourth place, these paralyzing effects are daily increasing, an tending to the utter destruction of our property up to the beginning of this year In the fifth place, society has become demoralized, laws rendered inefficient, property in secure, and life and innocence placed in perpetual hazard.

Question. Is that true, at the hour at which you now speak?

Answer. It is.

By the CHAIRMAN:

Question. You have spoken of this case of Mr. Ashburn, and in the course of you remarks, in reply to questions asked you, you said that the will of General Meade wa the law.

Answer. Did I say that the will of General Meade was the law? Perhaps that wa the question; and it was the understanding that the will of General Meade was th law as to whether parties should be arrested and tried, and how tried.

Question. You understand, as a lawyer, that there is a very wide difference betwee military law and the administration of civil law by military authority?

Answer. O, yes.

Question. I understood you to say that, in your judgment, from the best informatio you could obtain, Mr. Ashburn was killed by some of his political friends for politica effect.

Answer. Or by a negro who was offended by his domestic interference, or by the tw combined.

Question. You think he was killed by colored people or by white people?

Answer. I thought, likely, there was a concurrence, or rather a connivance, of th white people; but I really believe he was killed by a negro.

Question. From the best information you could get, where was he killed; in th house or out of doors?

Answer. I think he was killed in the house.

Question. By a single person, or by more than one?

Answer. That I was unable to determine exactly, but I thought there were severa engaged in it. The conclusion I arrived at at the time was that there were severa engaged in it, and that they were disguised.

Question. Take even the estimate that you have formed of his character, and of hi conduct, and all of the palliating and extenuating circumstances that you have in dicated, was not his killing an assassination, and not only a great offense against th law, but a great offense against the morals and decencies of society?

Answer. It was, unquestionably.

Question. In any way that you can put it?

Answer. Yes, sir; whatever may have been the motives, or the means, or the causes the killing was an assassination of the most brutal character.

Question. Has there been any attempt made on the part of the civil authorities, from that day to this, to ferret out and punish the offenders?

Answer. I understood there was a very rigorous investigation by the citizens and by the grand jury.

Question. When was that?

Answer. Very soon after it occurred; and I understood that it was desired to have the investigation carried on after the trial by General Meade, and with the lights and the evidence which that trial had developed. I understood that the matter was referred to the grand jury for investigation, and that they returned no bill. There was an earnest effort made by some of our people, so they reported, and so I advised, to find out who were the real parties engaged in that murder, for we were under the belief that that would of itself acquit the accused parties. We would have given a very large sum to have discovered those we believed to be the real parties.

Question. Has there been any attempt made to punish the murderer or Mr. Adkins?

Answer. I understand so. I have had nothing to do with that case. I have never investigated it.

Question. I have understood you to give it as your opinion that he was killed by his *political friends for* political effect.

Answer. My mind was inclined that way. I do not know.

Question. How was it in regard to Dr. Ayer?

Answer. I believe he was killed by a negro for money.

Question. Has there been any attempt to find and punish the offender?

Answer. I have understood so.

Question. Do you know of a negro who was elected to the legislature from Putnam County, in this State, and who was killed at Eatonton by his unsuccessful opponent?

Answer. I have heard something of that case, but I do not know anything of the fact.

Question. Has any attempt been made to bring the offender in that case to punishment?

Answer. I have not investigated the case at all.

Question. Do you know of a negro by the name of Walker, a political speaker, who was killed in this State?

Answer. I never heard of that case. And I wish to say here, in relation to the prosecution in Adkin's case, that I understood that the military authorities took that matter in charge. And wherever the military authorities take an investigation in charge I think our people make, perhaps, less effort than they otherwise would. In the Ashburn case we especially desired to make effort to investigate it, because we firmly believed that he was killed by negroes, and we thought if we could discover the guilty parties the accused parties would be released.

By Mr. BAYARD:

Question. You thought you could thwart the object of the killing by ascertaining the truth?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What was the age of Mr. Ashburn?

Answer. He was forty-five or fifty years old, I think.

Question. Was he not more than fifty.

Answer. Probably he was.

Question. Was he not sixty years of age?

Answer. He looked to be as old as yourself or myself. He was a vigorous man, and with no appearance of impaired health or old age.

Question. Was he understood to have been within the Federal lines during the war, and to have been acting with the Federal Army?

Answer. Well, I knew once whether he was or not, but I do not now recollect. There have been really so many charges of that kind made against parties that I do not know.

Question. Was that a charge that would be regarded as disparaging?

Answer. No, sir; not at all. But our people look with a great deal of contempt upon that portion of the southern people who, before the war, were cruel towards the negroes, and who afterward joined what are called our enemies, and became anxious to take advantage of the negro in order to elevate themselves into office without merit. And if they also combined with that the fact that they had been with the Federal Army, they were looked upon as unfit to represent the true interests of our people here, because they were the creatures of nothing, not because they belonged to the Federal Army. It never would make any difference with us whether Captain True was in the Federal Army or not, because, being a man of honor and intelligence, and seeking to promote the real interests of the country, we would be willing to trust him; but with a man like Ashburn, who simply had a desire to serve himself, and to use the negro to elevate himself, everything of that sort served to disparage him still more.

Question. Would it disparage a southern man who, when the war came up, was a Union man from conviction, and had done all he could to suppress the rebellion and to save the nation?

Answer. I think that for a time after the war it would, and I think it would yet with a great many people; I think it would affect him in any candidacy he might make. Nevertheless, there are some men filling exactly that category who have the entire respect and confidence of our people; some men that I know of. But I do not believe that a man who affiliated with the northern Army during the war would be as acceptable to our people in any political election as one who had not done so; that is my honest opinion.

By Mr. BAYARD:

Question. Was Ashburn reputed to have been a cruel man to the negroes who were under his control before the war?

Answer. That was his character. Instances were related to me during my investigation of his most cruel and brutal treatment of negroes.

Question. Was he an aspirant for any official position?

Answer. That was understood; he was a member of the convention, and it was understood that he was an aspirant for the office of governor.

Question. Had he been elected to the convention by the negro vote?

Answer. Yes, sir.

Question. Do I understand you to say that a white man who was cruel to the negroes in his employ was looked upon with detestation by the respectable men of your community?

Answer. He was, and is now.

Question. And when after the war he sought to use those negroes as stepping-stones to political preferment, there was an increase of indignation toward him?

Answer. It was because we regarded it as the highest evidence of his being a hypocrite.

Question. And this man Asburn was one of that class?

Answer. Yes, sir; and one of the most odious specimens of that class.

By the CHAIRMAN:

Question. Why was it thought necessary or important, after his being taken off under those circumstances, to attempt to revive these matters and to blacken his memory?

Answer. Why, my dear sir, I found they were not revived after his death; they were facts known before and frequently repeated. After his taking off, I found out those facts for the first time, simply because I made an investigation to find out the cause of his taking off.

Question. How old a man was Mr. Adkins?

Answer. I was not personally acquainted with him.

Question. You do not know that he was over seventy years of age?

Answer. I do not.

By Mr. LANSING:

Question. In your opinion have not false and pretended charges of crime been often alleged as an excuse for killing or punishing those who had become politically obnoxious?

Answer. No, sir; I do not believe that.

Question. You do not believe that has been the case?

Answer. No, sir; I do not.

Question. You think that when these Ku-Klux have punished persons, they have done so from the pure motives of correcting irregularities in society?

Answer. Not always.

Question. In your judgment have they ever punished persons, have they ever inflicted outrages upon those who were guiltless of any improprieties or irregularities in society?

Answer. Well, yes.

Question. You say they have?

Answer. I do not know of any irregularities that Dr. Ayer was guilty of; I do not know of any irregularities of a criminal character that Mr. Adkins was guilty of; and I do not know of any that Dr. Darden was guilty of, except the assassination of Mr. Wallace.

Question. Have you any reason to believe that Mr. Holliday was guilty of whipping his wife?

Answer. I do not, excepting——

Question. Yet you understand that is the pretended justification for the outrage upon him?

Answer. No, sir; I never heard that mentioned as a justification of any charge.

Question. Well, as a reason for it?

Answer. It was reported to me that there was a rumor that Holliday had been assaulted, and I believe he had been, but not by the men he had arrested; and the excuse rumored to be given for the assault was, that he had whipped his wife, a fact that I have no reason to believe to be true. I have no reason to believe that Holliday ever did whip his wife, and I doubt whether it is true. I believe if he was really assaulted, and if that excuse was given for the assault, the excuse was false and was manufactured for the purpose of justifying the assault.

Question. Do you not believe that such has often been the case when outrages have been committed throughout your State?

Answer. O, yes, sir.

Question. That was my question, whether the Ku-Klux have originated charges against their victims?

Answer. I believe those people called Ku-Klux have often committed outrages without any excuse at all, and they also have committed outrages with false excuses; but I do not believe there was anything political in it; I do not believe they have been actuated by any political motive.

Question. Did you ever know or hear of a republican who was a Ku-Klux?

Answer. O, mercy! yes, sir; certainly.

Question. How?

Answer. I have heard of a great many; I think that in some of the counties a majority of them have been republicans.

Question. Where they act in organized bands and go about in disguise?

Answer. Yes, sir.

By the CHAIRMAN:

Question. In what counties?

Answer. Up in Chattooga County a case occurred where the governor offered a reward of $7,000, I believe, for their apprehension. They were apprehended, and the reward was paid; and the parties were ex-federal soldiers and negroes combined.

By Mr. LANSING:

Question. What was the outrage they perpetrated?

Answer. I did know all about it once.

Question. Did you understand that they went in the disguise common to the Ku-Klux?

Answer. Yes, sir; I understood they went in disguise, and punished perhaps a white man. I know it was regarded here as a great Ku-Klux outrage, and I can get all the facts for you.

Question. Do you know what charge they made against the negro?

Answer. No, sir; I have forgotten that; but you can find the facts, and they are all so. I know that in several instances that was the case; I had a list of them once, and intended to send them to the President of the United States or to General Delano.

Question. You have heard of quite a number of prominent and active republicans being outraged by this Ku-Klux organization?

Answer. Yes, sir.

Question. Did you ever know of a prominent and active democrat being outraged by them?

Answer. No, sir, I never did; and for this reason, as I have stated: I think a great portion of these outrages were gotten up for the purpose of manufacturing political capital at the North, and at Washington; and of course they could not manufacture political capital by Ku-Kluxing democrats.

By Mr. BAYARD:

Question. What is Mr. Holliday?

Answer. O, that is true; Holliday says he is a democrat.

By Mr. LANSING:

Question. Do you know he says he was a Union man during the war, and had never been anything but a Union man?

Answer. No, sir; I never heard that.

Question. You do not know that is what he testified to here before this committee?

Answer. No, sir; but in fact it would make very little difference to me what Mr. Holliday testified to.

Question. You do not know that that is what his brother and everybody else in the county there testified to?

Answer. I know nothing of Mr. Holliday's politics, except what he said to me. He said he was a democrat, and that any man who said he was a radical was a damned liar; that is what he said to me.

By Mr. SCOFIELD:

Question. Then you think that the injuries inflicted upon radicals here are, to a certain extent, self-inflicted for the purpose of stirring up feeling in the North?

Answer. I believe that some of them were, at a particular time in our history, when there was a great deal of anxiety on the part of some of our people to get up another reconstruction in this State.

Question. You believe that republicans would get together and kill one another for the purpose of exciting feeling in the North?

Answer. I think that has been done.

Question. Do you not think that is a rather far-fetched idea?

Answer. My honest conviction is that that has been done; I do not know that it has been done, but I believe it has been done. I so said to General Delano last winter; I have said it often; I have written so to friends in the North; I believe it. I have myself never felt in the slightest danger of being Ku-Kluxed, because there was nothing to be accomplished by it. And that is the feeling of every democrat in the State, so far as I know. Holliday is the first democrat I have ever known to be Ku-Kluxed for a political cause.

Question. Do you know that Mr. Holliday claims as the reason for his being Ku-Kluxed that they had interfered with his colored laborers, and sought to drive them from his plantation, and he had expostulated with them?

Answer. I never heard him give any such reasons.

Question. And that that was the direct origin of his trouble with them, that he insisted they should let his negro laborers alone?

Answer. No, sir.

Question. You do not know that is what he swore before the committee?

Answer. No, sir; I never asked him what were the reasons; he merely stated, in the only conversation I had with him, that he was a democrat, and that anybody who said he was a radical was a damned liar, or something to that effect. I heard some of the prisoners here say that Mr. Holliday was a democrat, and had boasted of his being a Ku-Klux, and they were prepared to prove that fact. I now remember that in the last county election in Jackson County, the office of coroner, which is not sought for much in our counties here, which is worth very little, if anything, was filled by the election of a negro, and it incensed Mr. Holliday very much, and he proposed to join a crowd to teach the negro what it was to run for office.

Question. You heard those men say that?

Answer. Yes, sir.

Question. You have heard that Mr. Holliday's mill property and cotton-gin have been burned down since he testified before this committee?

Answer. Yes, sir; and I expect that is true. I do not believe those gentlemen did it, for they left here on Saturday, and they could not get home before Sunday. I think Mr. Holliday was assaulted; I think he has got enemies, and I think likely they burned his mills. But I think the misfortune of Mr. Holliday was that he did not arrest the right men.

By the CHAIRMAN:

Question They were ready to prove an *alibi*?

Answer. Yes, sir.

Question. And the parties arrested in the case of Ashburn proved an *alibi*?

Answer. Yes, sir.

By Mr. LANSING:

Question. I suppose your experience in your profession is, that a man who would commit such a crime as that would perjure himself in order to get out of it?

Answer. I believe he would.

By Mr. SCOFIELD:

Question. Do the whole democratic party take the same ground as you do in relation to Ku-Klux outrages?

Answer. No, sir; I do not think they do. I have heard men speak more leniently of the Ku-Klux than I do or can.

Question. I am not asking about those who spoke against the Ku-Klux. You say that you think that all these offenses have been committed by republicans upon republicans for the purpose of making the people of the North sympathize with them, to make them indignant at the South, and in favor of getting up a new reconstruction.

Answer. No, sir; I cannot say that I think all, or nearly all, have been so committed; I never said that; you have mistaken me.

Question. What proportion of them will you now say you think were so committed?

Answer. I really would be unable to fix any proportion so committed. I do not think there were many of that character; I think there were but few, but they occurred at a particular time, when the greatest outrages did occur, and when a special movement was made to produce another reconstruction in this State, and these Ku-Klux outrages were used to bring about that result.

Question. Do you think your party concur with you in that belief?

Answer. I think that many of them do; I know it is the general opinion of our intelligent, respectable citizens. I wish to say again that I think a great many of these Ku-Klux outrages have been committed by persons who have simply used the occasion to accomplish private ends, for plunder and robbery sometimes, without any politics in view. There are some instances in which we know that the disguised parties when detected have turned out to be negroes.

Question. Do you think that upon very short notice they could extemporize an organization of fifty or a hundred men, with uniforms and disguises for themselves and their horses, and assemble at the same point, without some previous organization or understanding?

Answer. I never said there was no previous organization. I admitted that there were organizations in particular localities, and I believe there are. I am not one of those who insist that there are no such things as Ku-Klux in this country; I believe there is such a thing. But I say I do not believe there is any general organization. I believe it is local in neighborhoods; I believe it is sporadic.

Question. With the sparse population which you have in some of your counties, it would take a great deal of territory to secure a hundred able-bodied men to ride at *night*?

Answer. I do not think it is often that there is that number.

Question. Our evidence is that it is not often, but that in some cases it is so.

Answer. I believe that it was the Ku-Klux or a disguised band that killed this man Dr. Darden; that there were twenty-five or thirty engaged in that. I think they were summoned in a day, and from what I have heard, I do not believe they lived in the county of Warren. I have suspected that they were from the adjoining county. I believe that there are organizations; I have heard that they are local, and I believe that they originate in they way I speak of. At first some men went into them believing it was the only way to protect themselves from criminals. I believe bad men took advantage of that, and that quite a number were organized and committed outrages for mere private personal ends, some to rob and to plunder. I believe that negroes as well as white men have engaged in these outrages. And at one particular juncture in our history, to wit, when a movement was made some time since to have another reconstruction in our State, about two years ago, I believe that some of these outrages were then actually perpetrated by the political friends of the parties slain, for the purpose of manufacturing a feeling at the North against the South, and producing a reconstruction of the State. That is my honest conviction. I do not believe there were many of that character. But I think that Adkins was killed in that way and for that purpose. I believe that Dr. Ayer was killed by a negro, and the motive of the negro was robbery. I believe the outrages committed in Chattooga County, for which a reward of $7,000 was offered by the governor, and the parties were actually arrested and convicted in court, I believe, as I have stated, that some of those parties were not only republicans but ex-federal soldiers; and I believe there were some negroes with them, but I am not certain about the number. I made a little memorandum once, which I wish I had preserved, upon this identical subject, for the purpose of sending it to the President or some member of his cabinet, in which I know that there were quite a number of places mentioned where we had detected the guilty parties, and they were not democrats.

Question. I do not think that any prudent democrat at the North would dare to cite your opinion on the stump, under the impression that he would not be credited; not that I am impugning your word, but so improbable would it seem to us in the North.

Answer. That a republican would kill a republican; is that your idea?

Question. So improbable would it seem to everybody in the North unaccustomed to these things that a portion of a political party would murder one of their own number, in order to get up an excitement about political assassinations.

Answer. That is hard to believe. I think the great trouble with us is that those of the North and of the South do not understand each other. The difficulty has been that we have been represented by a set of people here who care nothing in the world about the republican party; who have simply taken advantage of the unfortunate circumstances created by the action of the Government during the last four years, to fill the offices from which intelligent men were excluded, and they have used the negroes for that purpose. I think that some of the men who would acquire power in that way, and, as we believe, by a false count of the votes, would not hesitate to prolong their power by any means at their command. I had occasion to express that opinion last December to a member of the cabinet.

By Mr. BAYARD:

Question. Who was he?

Answer. Mr. Delano. I said to Mr. Delano that I conscientiously believed that some of these republicans had absolutely committed these outrages upon persons of their own political faith for the purpose of manufacturing capital at the North against us, and I conscientiously believe it to-day. I cannot help the fact that your people cannot readily believe it, and I do not ask the democrats to quote it.

By Mr. LANSING:

Question. From what we have learned, I do not think there is any necessity of saying that to stir up the northern mind; I think there is enough without that.

Answer. I am afraid so.

By the CHAIRMAN:

Question. Suppose that republicans are maltreating their associates, or that anybody else is doing it, so that, in point of fact, men are made to suffer cruelly, and bitterly, and wickedly; and as a matter of fact there is no redress in the civil law, is it not time something was done by some law to put a stop to it?

Answer. Unquestionably; I think that state of things ought to be put an end to by some power. Of course my opinion is that our own people ought to do it; but as I have said to them, and as I said to the Cincinnati reporter, if our own people will not do it, then the General Government will.

Question. When men come here, as you will see from our testimony, men who talk as if they spoke the truth, and in a way to compel belief, and say that they are abso-

lutely afraid even to make application for justice, it is a condition of things which somebody ought to put an end to, and if you will not do it in Georgia, somebody else ought to do it.

Answer. I think that while some people have been afraid to make application for justice, there has been no reason for that fear in our State. I think our people have been willing to do justice; I think our people would have done justice. I think the failure to apply for justice has been more from fear than from any justification of that fear. Our judges have been generally republicans; our governor has been republican; our legislature has been republican. All the government has been in the hands of those gentlemen who are willing to deal justly with these parties. I believe there has been an earnest desire on the part of the judges of this State to enforce the rights of all parties. I believe that in this country, as in every country, we have some lawless citizens who have availed themselves of the demoralization of the times to commit outrage.

By Mr. BAYARD:

Question. Have your own people yet had a fair opportunity to exercise their own power to rectify the abuses which are here complained of?

Answer. They have not; I answer that emphatically.

By the CHAIRMAN:

Question. In any part of your State?

Answer. I speak of the State generally; in certain localities they have had power in some degree more or less.

By Mr. BAYARD:

Question. The State government generally has not represented your people?

Answer. No, sir.

By the CHAIRMAN:

Question. Take the county of Floyd, of which Rome is the county seat; what has there been in that county to prevent your people from doing justice?

Answer. I see no reason why they could not do justice in Floyd County. There has been quite a conflict of statement of citizens as to what has occurred, but I know of no reason why justice should not be done there, for the judge of that circuit is a worthy and honorable man, a gentleman worthy to be a judge in any country.

By Mr. BAYARD:

Question. Who is he?

Answer. Judge Harvey, an old whig and Union man, an honest man, and a good man. And there are several other judges in the State who are excellent good judges, and I believe they are willing to do their full duty.

By the CHAIRMAN:

Question. What can judges do when witnesses are afraid to testify to what they know?

Answer. I have never known any case of that kind where a witness has been afraid to testify to what he knew, nor do I believe there is any just foundation for such fear. I will say that I have not said anything that I wanted a democrat to quote in the North.

By Mr. BAYARD:

Question. You were asked whether the mill property of Mr. J. R. Holliday had been burned; whether they had burned Mr. Holliday's mill. I do not know whom Mr. Lansing meant by "they." But I will ask you this, whether the thirteen men charged by Mr. Holliday with complicity in the offense against his person and property were not at the time of the burning of that mill, in Atlanta, in custody, many miles distant from the scene?

Answer. If the property was burned down Sunday, after they left here Saturday afternoon about 3 o'clock, they told me at the time that they would not get home until the next day.

Question. They had been in close custody here up to that time, and could not have reached there until the day after the occurrence took place?

Answer. Yes, sir.

By Mr. LANSING:

Question. How far is it from here to Mr. Holliday's place?

Answer. He lives in Jackson County. I think you have to go by rail about 50 miles, and then it is 20 miles or more to his residence. I have no doubt that upon an investigation of the facts you will find that those men did not arrive in Jackson County, at their homes, until Sunday after the mill was burned.

By Mr. BAYARD:

Question. And at that time the destruction of the mill was not known here?
Answer. No, sir.

By Mr LANSING:

Question. Do you know on what day it was that Holliday was before the grand jury?
Answer. On Tuesday or Wednesday of the same week.
Question. There was ample time for it to be known in his county that he had been before the grand jury, and for it to be known at the time of the burning?
Answer. Yes, sir; they knew it, because the parties had been arrested and brought here in handcuffs.

By the CHAIRMAN:

Question. There was also time enough to let them know that the grand jury had failed to find a bill against them?
Answer. Yes, sir; and they were rearrested.

[See page 780.]

Speech of the Hon. B. H. Hill, of Georgia, delivered before the Young Men's Democratic Union, Tuesday evening, October 13, 1868.

PEOPLE OF THE NORTH: In deference to the earnest wishes of a committee from the Young Men's Democratic Union Club, and the request of personal friends, some of whom differ with me in political views, I depart from my original intention not to make a speech in the North, and appear before you this evening.

I do not come to ask any favor for the southern people. The representative, however, of that people who have experienced burdens of despotic power, and the insecurity of anarchy, I come, all the more earnestly, to address you in behalf of imperiled constitutional free government. Will you hear me without passion?

The South, exhausted by a long war and unusual losses, needs peace; desires peace; begs for peace. The North, distrustful, if not vindictive, demands guarantees that the South will keep the peace she so much needs.

In countries where wars have been more frequent, the important fact is well established by experiment that magnanimity in the conqueror is the very highest guarantee of contented submission by the conquered. It is to be regretted that you seem not to have learned this lesson. A people who will not be magnanimous in victory are not worthy to be, and will not always remain, victors.

In the next place, if you of the North would only open your eyes and see the plainest truth of the century, that the southern people fought for what they believed to be their right, you would find at once a sufficient guarantee for peace. The South believed honestly, fought bravely, and surrendered frankly; and in each of these facts she presents the most ample title to credit. Why will you not see and admit the fact which must go into history, that the southern people honestly believed they had a right to secede? Some of the wisest framers of the Constitution taught that doctrine. Many of the ablest men in the North as well as in the South, of every generation, have taught this doctrine. Some of your own States made the recognition of that right the condition of their acceptance of Union. Even your own Webster—your orator without a rival among you, dead or living—taught that this right existed for cause, certainly for much less cause than now exists. Will you then persist in saying that the southern people are all traitors for exercising, or attemping to exercise, what such men and such States taught was a right? Will you say they did not honestly believe such teachers? Was it their intent to commit treason?

Here lies the whole cause of our continued troubles. The North will not admit what all other people know, and what all history must concede—that the South honestly believed in the right of secession. As a result of this infidelity to such plain fact, you assume that the southern people are criminals. This idea is the sum of all your politics and statesmanship. It must be abandoned. It must be repudiated thoroughly and promptly. There can never be any peaceful and cordial reunion possible while one-half the nation regard the other half as criminals. How can you trust criminals? Why should you desire union with criminals? Why do you exact guarantees of criminals? If the southern people are honest, their assent to the non-secession construction of the Constitution is a sufficient guarantee. If they are not honest, but criminals, no promise they could make ought to be trusted. Power is the only guarantee of fidelity in criminals, and if you cannot believe, and cannot trust the South, you must, indeed, abandon the Constitution, and govern with power forever, or you must give up the South as unworthy to federate with you in an equal government of consent. I speak frankly. If you cannot abandon this miserable theory and habit in your pol-

tics, in your religion, and in your schools, of regarding the southern people as criminal traitors for attempting what good men and wise men and great men taught was their right, you will make peaceful reunion under free institutions utterly impossible.

You must hold them as friends, or let them go as foreigners, or govern them as subjects. If you govern them as subjects you must share the penalty, for the same government can never administer freedom to one-half and despotism to the other half of the same nation.

Rise above your passions, then, and realize that herein is your guarantee: The South believed honestly, fought bravely, and surrendered frankly.

Again. The exhausted condition of the South ought to inspire you with confidence in her professions of a desire for peace. Are you afraid for her to recover strength? Take care lest the desperation of exhaustion prove stronger than the sinews of prosperity. Peace is not desirable without its blessings.

But you of the North will not try magnanimity; will insist that the Southern people are traitors, and that an exhausted people are dangerous, and you must have guarantees. In your papers, from your pulpits, behind your counters, on your streets, and along your highways, I hear the perpetual charge that the South fought to destroy the Government, committed treason and murder, and every inhuman crime, and that she is still intractable and rebellious and dangerous and insincere and must concede and give guarantees.

Well, I am here to show you that the South has made every concession that an honorable people would exact, or an honest people could make.

Every day I read in your papers and hear on your streets that the southern people will not accept the results of the war.

I am here to prove, so clearly that no honest man shall doubt, that the southern people have not only accepted every result of the war, but also they have accepted every proposition, and abided every condition of reunion which has been proposed from any quarter, or by any department of the United States Government which could have benefited you or strengthened the Union, or not dishonored themselves.

Now, to the history:

1. The first terms of settlement agreed were the terms granted to General Lee by General Grant, at Appomattox. These terms were: 1st, that the confederates would not again take up arms against the United States; 2d, that they would obey the laws of force where they lived. These terms were agreed to by the confederate armies universally, and received the pledge of the Union armies in turn, that they should never be further molested. These terms must ever stand as greatly honorable to both sides. They were in exact accordance with all the promises made by the United States Government to induce surrender. They simply preserved the Union, with secession abandoned. This covered the whole issue of the war. General Grant was truly great on that memorable day of defeat and magnanimity.

Now, see also the most happy effect which that day's work produced. On both sides there had been great fears of a guerrilla warfare after regular war should terminate. These noble terms of justice and good faith, granted with the magnanimous spirit exhibited by General Grant, sheathed every sword of vengeance. All idea of guerrilla warfare vanished as these terms and scenes were eagerly read throughout the South. More than this, confidence was almost universally restored, and good will, to an extent before deemed impossible for generations, at once revived. Happy, most happy, had it been for this country if those terms had been faithfully abided at the North and exactions had ceased. Not a single southern man has ever violated the Appomattox covenant. It has been said these terms were confined to the army. The army was representative. Terms granted to those who bore arms could not be reasonably denied to those who had not borne arms, and the terms were received at the South as a settlement of controversy, an end of war and the return of universal peace. And I desire distinctly to record the good effects produced as another encouraging lesson of the power of magnanimity in victory.

2. But the politicians of the North were not satisfied with this settlement by the armies, and soon we heard that other concessions must be made by the South to guarantee a permanent restoration of the Union. So next to the Army the President, the Executive Department of the United States Government, claimed the right to fix the terms of restoration. Accordingly, the people of the Southern States were required to assemble conventions, and agree to the following terms of restoration:

1. The annulling of the ordinances of secession. These we considered as already annulled by the surrender at Appomattox, and therefore readily agreed to annul again.

2. The ratification of the proposed amendment 13, abolishing slavery, and the incorporation of like provisions in the State constitutions. Well, we did not regard slavery as strictly the cause of the war, but the world had regarded the institution as staked on the result, and so had the southern people generally. Besides, experience had taught us that it cost more to maintain slavery than the entire slave property was worth. Therefore our people readily complied with this exaction, simply leaving the

question of compensation, without demand or expectation, to the magnanimity and sense of justice of the future.

3. The repudiation of the confederate debt was the last material exaction of the President. At this our people hesitated. A suggestion of honor arose. But nearly all confederate creditors were themselves confederates, and repudiation by creditor and debtor in joint act relieved us on the question of honor. If in the future we became able, and pay the few outside creditors *who remain unpaid*, we suppose there will be no objection. So we complied with this demand.

Thus we see the southern people complied promptly with every demand made by the President as a condition and *under promise* of cordial reunion.

3. But though the Army was now satisfied, and the Executive satisfied, yet we soon learned that Congress was not satisfied, and the southern people must make further concessions, give still more guarantees. To justify itself in this demand, Congress now denied the right of the Executive to prescribe terms to the South, and claimed that right as exclusively in Congress. Here commenced a fierce war between the Executive and legislative departments of the Government. Now, let me right here make a statement which I do not think is generally understood at the North: On this question of power and right, as between the President and Congress, the South has never taken sides, never judged. We thought the Union was restored at Appomattox, and did not need the intervention of either the President or Congress. Neither of these really *had* any power not expressly guaranteed in the Constitution, and secession having failed at Appomattox, the Union remained, and the Constitution was the supreme law of both rights and powers.

But the South was not disposed to debate. Her humor was to concede—give guarantees.

When the President demanded concessions, the South did not ask him for his authority, but guaranteed his terms. So precisely she was disposed toward Congress. Let us see:

(1.) The first thing demanded by Congress was that the South should not have representatives in Congress until Congress should be pleased to receive representations, but in the mean time must continue to pay taxes. The South pointed to the Constitution, and to the provisos made during the war of immediate equal reunion, and to the great cause of original quarrel between our common fathers and Great Britain, who said that "taxation without representation was tyranny," but only pointed—submitted. We paid the taxes—heavy, discriminating taxes. Nay, the demand went behind Appomattox, and we were required to pay taxes levied during the war. Our people had already paid taxes to the only power then over the country, but they paid again, so anxious were they to satisfy with concessions and guarantees.

(2.) The next claim by Congress was the right to separate the populations of the Southern States, and withdraw the negroes from the absolute government of the States and place them under the government of the Freedmen's Bureau. On this arose quite a quarrel between the President and Congress; and the South, when thinking at all, thought that on this question the President, constitutionally, was right, but while the President and Congress quarreled, the South submitted, and the Bureau was allowed to run its course of outrage upon the whites, and of peculation on the poor blacks.

(3.) The next concession demanded by Congress was the civil-rights bill. Here again a quarrel arose between the President and Congress. But the South did not even care to think which was right, constitutionally, on this question. The negro, being free and deprived of the protection of his master, was entitled to the equal protection of the law and to absolute equal civil rights. To show you how unnecessary was this confusion created by Congress on this subject, I will state that before Congress had passed this civil-rights bill, of which it boasts so much, the legislature of Georgia had passed a bill giving absolute equal civil rights to the negro, in language almost precisely the same with that afterward adopted by Congress. Congress re-enacts the law of Georgia under pretense, before the northern people, of a necessity to compel Georgia to give civil rights to the negro!

Thus far, ladies and gentlemen of the North, you perceive that every demand upon the South, whether made by the military or civil authorities, whether by the President or by Congress, whether inside or outside of the Constitution, whether in accordance with or in plain violation of every promise made during the war, was promptly granted and sometimes even anticipated. Thus far who will say the South was intractable and not disposed to accept the results of the war?

(4.) But Congress was still not satisfied, and made a fourth demand. This demand was in the shape of a proposed amendment to the Constitution, known as article 14. There have been so many misrepresentations at the North of the action of the South on this amendment, and the motives of that action, that I am afraid the amendment originated to prevent what it pretended to desire—a cordial reunion.

This amendment analyzed contains four distinct and different propositions. 1. The first was to confer equal civil rights upon the negro as a free citizen. Now, this had already been done by the civil-rights bill of Congress, and long before that, as to Geor-

gia, by the civil-rights bill of that State. So the amendment was not rejected on account of this proposition. 2. The second proposition of the proposed amendment was, in plain language, that if the negro was excluded, in any State, from the ballot on account of color, his race should not be counted in the basis of representation in fixing the number of Representatives from such State in Congress. The South thinks that, under the Constitution, the basis of representation is a very different thing from the question of suffrage. But every possible injury to the South which this proposition could work was easily remediable by a wise rule of impartial suffrage, and in the spirit of concession which the South was determined to manifest, the amendment would not have been rejected on account of this proposition, and was not for this reason rejected. I hope you of the North will now distinctly understand this, for, on this point, the South has been greatly misrepresented here, and this misrepresentation has been the cause of much foolish discussion and angry bitterness toward the South. 3. The third proposition in this amendment guarantees the payment of the national and repeats the repudiation of the confederate debt. Now, I have already shown you that the Southern States had already repudiated the confederate debt under the President's plan. As to them that question was settled. As to the national debt the southern people, as I have shown you, were paying all taxes required—heavy taxes—to meet it. The South has never stopped to make any question as to how and in what way the national debt was to be paid. She has quietly paid her taxes—imposed without representation—and if the heavy taxes so paid have been applied to maintain the Freedmen's Bureau, and to enforce a military reconstruction, it is not the fault of the South. 4. This brings us to the fourth and last proposition in this amendment 14. This was that about two hundred thousand of the most intelligent and trustworthy white men in the South should never be chosen by the people to hold any office whatever, State or Federal. The exclusion from Federal offices, if by act of Congress or the North, would not have been much regretted—especially by those excluded. But the Southern States never so much needed the counsels of their wisest and best men in their State affairs. Their resources were exhausted, their whole system of industry changed, their society greatly demoralized, their old laws not at all applicable to the new order of things. Now why, at this critical conjuncture, should the southern people be told that they must consent to deprive themselves of the right to choose their wisest men—those they were most willing to trust—to give strength and hope to their counsels?

Besides, these leaders had done only what the people had requested them to do. The people were as guilty as their agents. To require the people, therefore, to disfranchise their agents—to them faithful agents—was to require the people to *dishonor themselves*. And how could this benefit the South? How could Massachusetts be benefited by depriving South Carolina of the right of filling her own State offices with her own wisest citizens? Now, therefore, because to agree to such a provision as a part of the fundamental law of the Republic would have dishonored the South as a section, and her people as a people, and would also have worked incalculable injury to them, and brought no benefit to the North, nor strength to the Union, the South rejected this proposition. And because Congress had so intentionally submitted this amendment 14 as to require the acceptance of all or the rejection of all, the Southern States rejected all rather than accept this dishonor. Now, you have the plain, truthful history of the rejection of that amendment. The time will come when you of the North will rise up and honor the southern people for this manly conduct, and curse the creatures who have so wickedly deceived you on this subject.

(5.) Under the pretext of the rejection of this amendment Congress became vindictive and determined to play the *rôle* of a conqueror. In this spirit the measures known as the reconstruction measures were enacted. These are so numerous that I cannot stop to take them up in detail. I will give you a clear view, however, of the reasons why the southern whites have never consented to these measures and never will consent to them.

In the first place, these measures set aside as illegal the Southern State governments of 1865. If these governments were illegal, then all they did was illegal.

If this be true, then amendment 13 abolishing slavery has never been ratified, and the State constitutions abolishing it are void. Now to compel the ratification of amendment 14, which contains no proposition which is not already law, or which the South is not willing to make law, except the one to disfranchise their own agents for nothing but their fidelity to the people, you propose a legal relinquishment of amendment 13. The South is not willing to this. Her people prefer the loss of property by amendment 13 to the loss of honor by amendment 14. Which do you prefer?

In the second place, Congress, by these reconstruction measures, created a new constituency of all negroes and a portion of whites to do what the whites have refused to do. Now, the plain question is, shall the Southern States be members of the Union under constitutions adopted by the white people, as all other State constitutions were adopted, or under constitutions dictated by a Congress in which these States had no representation, and which dictation is enacted into the forms of law by ignorant *negroes and* intermeddling strangers? How will you of the North decide this question?

In the third place, Congress intrusted the execution of these measures—not to the courts and the civil officers of the country as all civil laws heretofore have been intrusted, but to the military. Is it right to establish civil government and execute civil law by military power in times of peace? You of the North must decide.

But even these measures which the South rejected to save her honor, she was always willing to refer to the courts for decision; mark you, not to her own courts, but to the courts of the United States. The Congress was always unwilling that these questions should be passed on by your own courts. Which party in this showed an intractable temper, a disposition not to accept the results of the war?

When passion shall subside; when truth, not falsehood, shall be believed; and when virtue and honor and law and right shall again be appreciated and loved, the temperate firmness with which the South has rejected these measures of lawlessness and dishonor will constitute the noblest, most enduring monument of her heroism, intrepidity, and worth.

You ask for guarantees that the South will be true to her professions. Herein is the very highest possible guarantee, that her people, under every pressure and at every sacrifice of material interests, *reject dishonor*. If they accepted dishonor, the acceptance would be worthless, and every concession made under its influence would be disregarded. Are you such strangers to this high sense of honor that you cannot see its force or appreciate its reliable power? Your children will see it to your shame and to our credit. If the southern people were not sincere, they would seem to agree to anything in order to regain power, and then repudiate the agreement. This is exactly what your so-called southern friends propose. But we can see no permanent peace in such hypocrisy, and therefore frankly reject what we cannot in honor accept and abide.

Note also the fact that everything rejected by the South has been confessed to be outside of the Constitution, and based exclusively on the idea of conquest, which your own Government, in every department, solemnly promised should never be, and which your own courts have uniformly decided *could not* be, the result of the war.

I cannot stop now to show you how these reconstruction measures have been executed in the South. This history will be written, and when written, every agent engaged in enacting this, the dark age of American life, will sink into universal infamy, and the cheek of every honorable northern man will blush for shame.

Now, I have gone over before you every single proposition of settlement or restoration or reconstruction of the Union, which has been made by the Army, or by the President, or by Congress; and what is the result? All the terms of the Army were accepted, and have been most faithfully kept. All the terms demanded or suggested by the executive department were promptly accepted, and have been faithfully observed, though no promise made to induce their acceptance has ever been fulfilled. Again, all the terms proposed by Congress have been accepted and most quietly submitted to, except the single proposition that our people should dishonor themselves by disfranchising their own faithful agents, and have refused to consent to the plan of substituting negroes and strangers as a constituency, that this dishonor may be accomplished. This is all. I affirm fearlessly this is all. I have defied your papers, and I defy your leaders—even your preachers—to point to a single proposition ever submitted to the southern people as a condition of reunion, by the Army, or by the President, or by Congress, which they have not accepted and faithfully abided by, except the single proposition to dishonor themselves by disfranchising their own agents, or consenting that negroes and strangers may disfranchise them. No man has taken up the challenge; no man will take up the challenge; no man can take up the challenge. But everywhere, by editors, by preachers, and by politicians, the false, wicked charge is repeated, that the South is intractable and unwilling to accept the results of the war.

People of the North, will you not rise above passion and save your own honor and our common free Government by doing plain justice to a people who accepted your pledge and trusted your honor?

I beg you to understand the facts of actual history before it is too late. I repeat, and beg you to note, what the South has already conceded as the results of the war:

First. The South conceded, at Appomattox, that the arguments of the ablest statesmen America ever produced, *in favor* of the right of secession as a constitutional remedy, had been replied to in the only manner they could be effectually replied to, by physical force; and the South consented that this judgment, written by the sword, should have legal force and effect.

Second. The South, by her own act, made valid the emancipation of her slaves in the only way in which that emancipation could be made valid, and thus gave up the property the North sold her, without compensation.

Third. The South has solemnly repudiated her debts contracted in her defense, and has agreed to pay a *full share* of the debt contracted for her subjugation.

Fourth. The South has permitted, without hinderance, the Congress to enter her States and establish tribunals, unknown to the Constitution, to govern a portion of their population in a manner different from the governments of the States.

Fifth. The South has agreed to make the negroes citizens, and give them absolutely equal civil rights with the whites, and to extend to them every protection of law, and every facility for education and improvement, which are extended to the whites.

Sixth. In a word, I repeat, the South has agreed to everything which has been proposed by the civil or military governments of the United States, and by every department of that Government, except the single demand to disfranchise their own best men from their own State offices, at a time when their counsels are most needed, or to consent that negroes and strangers may disfranchise them.

For this, and for this only, all their other concessions are spit upon, and they are denounced as intractable, insincere, rebellious, and unwilling to accept the results of the war! Shame upon leaders who will persist in such charges; and shame upon a people who will sustain such leaders!

But while the white people have refused to agree to these reconstruction measures for the reasons stated, the negroes and adventurers from your worst population in the North, and the military, have proceeded with the work of executing them. Governments have been formed by them which have consented to the dishonor required by Congress. What are the effects already produced?

In the first place, they have done more to break down confidence at the South in northern pledges and constitutional justice than all our previous history, including the war. In the second place, they have stopped both capital and emigrants from going to the South, and have put a sudden end to all improvement. In the third place, they have depreciated property in the South to less than one-fourth the value of 1866, and have lessened productions a hundred millions annually. In the fourth place, these paralyzing effects are daily increasing, and threaten the utter destruction of our industry and prosperity. In the fifth place, society has become demoralized, laws rendered inefficient, property insecure, and life and innocence kept in perpetual hazard.

Now, then, I advance to the question—Are these reconstructive measures of Congress, and the ill-shapen governments they have produced, to be maintained and perpetuated? The Chicago platform says they shall be, and the New York platform says they shall not be. This is the issue. Count the cost, if you can, of maintaining them—the cost of honor, of peace, of life, of money, of freedom! I tell you no figures can add up the sum. Neither your bonds nor the Government that issued them can stand if these measures are to be maintained. It is impossible in the very nature of things, and you of the North are simply mad if you will not see the destruction you are bringing on yourselves. To perpetuate these measures is to perpetuate infidelity to the Constitution, infidelity to northern pledges, infidelity to every object of the war, and infidelity of every hope of peace. These measures of Congress repudiate the results of the war, and you of the North alone "are intractable."

These measures are bad enough in themselves, but still worse in the means adopted to sustain them at the North.

The only argument I have heard in their support is based upon hatred of the southern people. To inflame that hatred a system of misrepresentation of southern feelings and utterances has been adopted which is without parallel. I have seen my own sentences cut up and changed, and made to say exactly what I condemned. I have seen whole letters and speeches manufactured and repeated to northern people by men of social and respectable standing here. The South is slandered by the very prayers which go up from northern altars. Ministers of the Gospel turn demagogues in order to sanctify calumny! These things I see and hear and know, and they make up nine-tenths of the materials of the republicans in this canvass. I refer to them in sorrow and shame, not in anger.

I know no government can last under such influences; and no administration can give hope of peace, influenced and controlled by a people who can be the victims of such hate and falsehoods.

I know there are very many among you who tell me that General Grant is not a radical, and will disregard the Chicago platform, and will do for the South according to the noble spirit he exhibited at Appomattox. If so, he will find cordial support at the South. But what right have we to expect it? In my opinion the question of what man shall be elected is comparatively a very contemptible question. By what means and under what influence is he to be elected? Here is the great question for one who loves his country and cares nothing for an office. How can we have faith in free institutions when fraud, falsehood, sectional hate, and the worst features of human nature are resorted to as the most effective means of pleasing the people and securing the highest offices in the land? God, if not man, will destroy such a nation. Do you suppose the early patriots, such as Washington, and Adams, and Madison, would have permitted themselves to be elected to the Presidency by a pandering to sectional hate in their supporters? Has sectional distrust become a stronger passion with the American people than love for the Constitution?

But we are told that this policy of reconstruction is a fixed fact, and though it is hated by every respectable white man in the South, it is to be enforced under General

Grant's administration with the same vigor which marked the prosecution of the war That is, the Constitution is to be destroyed as vigorously as the Union was saved, and only to force on the southern whites governments which disfranchise their best men by negro votes under congressional dictation.

Well, if such be the verdict of the people, what will the South do? You lean forward anxious to hear this question answered.

If the gravity of the subject did not forbid, I might for a moment imitate Dr. Henry Ward Beecher, and become facetious. He tells us that getting outside of the Constitution is very different from going against it, and his audience greeted the bright idea. Well, I suppose the South will not actually oppose—go against the reconstruction measures; she will only get *outside of them*. In that event we shall *expect* this ecclesiastical interpreter of constitutional law to defend us, and we retain his services in advance.

But what will the South do? I will tell you first what the South will not do in my opinion.

1. The South will not secede again. That was her great folly—folly against her own interest, not wrong against you. Mark this: that folly will not be repeated. Even if the people of the South desire the disruption of the Federal Government, their statesmen have the sagacity to see that that result can more effectually come of this secession by the North from the Constitution. Those ominous words "outside of the Constitution" are more terribly significant than those other words "secession from the Union." The former is a secession having all the vices of the latter greatly increased, and none of its virtues; certainly none of its manliness, straightforward candor, and justification. So note this: The South does not desire nor seek disunion. If she desired it she does not deem another secession necessary to bring it about. *Disunion will come from Chicago*, in spite of southern opposition.

2. The South will not re-enslave the negro. She did not enslave him in the first instance. That was your work. The South took your slave-savage and gave him the highest civilization ever reached by the negro. You then freed him, and kept the price of his slavery, and you alone hold the property that was in human flesh.

3. But the southern whites will never consent to the government of the negro. Never! All your money spent in the effort to force it will be wasted. The southern whites will never consent to social and political equality with the negro. You may destroy yourselves in the effort to enforce it, and then you will fail. You may send down your armies, and exhaust the resources of the whole country for a century, and pile up the public debt till it lean against the skies; and you may burn our cities and murder our people—our unarmed people—but you will never make them consent to governments formed by negroes and strangers under the dictation of Congress by the power of the bayonet. Born of the bayonet, this government must live only by the bayonet.

Now, I will tell you some things, which, in my opinion, the South will do.

1. The South would accept the election of Mr. Seymour as a verdict of the northern people that the General Government was to be administered according to the Constitution, and she would rejoice and come out of her sorrow strong, beautiful, and growing.

The South will accept the election of General Grant as a verdict by the northern people that the Constitution is a nullity, and that they will that the General Government be administered outside of it. But the South will then submit passively to your laws, but in her heart, hope will still cleave to the Constitution. It is her only port of safety from the storm of fanaticism, passion, and despotism.

The South surrendered secession as a constitutional remedy at Appomattox, but she did not surrender the Constitution itself, nor the great principles of freedom it was intended to secure.

2. Whether Mr. Seymour or General Grant shall be elected, the Southern States—each State for itself—will quietly, peacefully, but firmly take charge of and regulate their own internal domestic affairs in their own way, subject only to the Constitution of the United States. What then will you of the North do? What will President Grant do? Will you or he send down armies to compel those States to regulate their own affairs to suit you outside of the Constitution? Will you?

It is high time this people had recovered from the passions of war. It is high time that counsel were taken from statesmen, not demagogues. It is high time that editors preachers, and stump speakers had ceased slandering the motives and purposes of the South. It is high time the people of the North and the South understood each other, and adopted means to inspire confidence in each other. It is high time the people of each State were permitted to attend to their own business. Intermeddling is the crime of the century. If it was folly in the South to secede; it was crime in the North to provoke it. If it was error in the South to dissolve the Union, it is crime in the North to keep it dissolved.

The South yields secession and yields slavery, and *yields them for equal reunion*. People of the North, now is the auspicious moment to cement anew, and for still greater glory, our common Union But it must be cemented in mutual good will, as between

equals and under the Constitution. Such a Union the South pleads for. I care not what slanderers say, what fanaticism represents, or how selfish and corrupt hate and ambition pervert; I tell you there is but one desire in the South. From every heart in that bright land, from her cotton-fields and grain-farms, from her rich valleys and metal-pregnant mountains, from the lullabies of her thousands of rippling streams and moaning millions of her primeval forest-trees, comes up to you but this one voice—this one earnest, united voice: Flag of our Union, wave on; wave ever! But wave over *freemen*, not *subjects;* over *States*, not *provinces;* over a Union of *equals*, not of *lords* and *vassals;* over a land of law, of liberty, and of peace, and not of anarchy, oppression, and strife!

People of the North, will you answer back in patriotic notes of cheering accord that our common Constitution shall remain, or, in the discordant notes of sectional hate and national ruin, that there shall be protection for the North inside of the Constitution and oppression for the South outside of it?

If the latter, then, not only the Union, not only the Constitution, but that grand, peculiar system of free federative governments so wisely devised by our fathers, and known as the American system, and of which the Constitution is but the instrument and the Union but the shadow, will die—must die—is dead!

Have you ever studied this American system of government? Have you compared it with former systems of free governments, and noted how our fathers sought to avoid their fatal defects? I commend this study to your prompt attention. To the heart that loves liberty it is more enchanting than romance, more bewitching than love, and more elevating than any other science. If history proves any one thing more than another, it is that freedom cannot be secured in a wide and populous country, except upon the plan of a federal compact for general interests, and untrammeled local governments for local interests. Our fathers adopted this general plan with improvements in the details of profound wisdom which cannot be found in any previous system. With what a noble impulse of common patriotism they came together from distant States and joined their counsels to devise and perfect this system, henceforth to be forever known as the American system. The snows that lodge on the summit of Mount Washington are not purer than the motives that begot it. The fresh dew-laden zephyrs from the orange-groves of the South are not sweeter than the hopes its advent inspired. The flight of its own symbolic eagle, though he blew his breath on the sun, could not be higher than its expected destiny! Alas! are these motives now corrupted? Are these hopes poisoned? And is this high destiny eclipsed, and so soon—aye, before a century has brought to manhood its youthful visage? Stop before the blow is given, and let us consider but its early blessings.

Under the benign influences of this promising American system of government, our whole country at once entered upon a career of prosperity without a parallel in human annals. The seventy years of its life brought more thrift, more success, more individual freedom, more universal happiness with fewer public burdens, than were ever before enjoyed or borne by any portion of the world in five centuries. From three millions of whites we became thirty millions. From three hundred thousand blacks we became four millions—a greater relative increase than of the whites with all the aid of immigration. From a narrow peopled slope along the dancing Atlantic we stretched with wide girth to the sluggish Pacific. From a small power which a European despotism, in jealousy of a rival, patronizingly took by the hand and led to independence, we became a power whose voice united was heard throughout the world, and whose frown might well be dreaded by the combined powers of earth. Our granaries fed and our factories clothed mankind. The buffalo and his hunter were gone, and cities rose in the forests of the former, and flowers grew, and hammers rang, and prayers were said in the play-grounds of the latter. Millions grew to manhood without seeing a soldier, or hearing a cannon, or knowing the shape or place of a bayonet. And is this happy, fruitful, peaceful system dying, hopelessly dying? Has it but twenty days more to live a struggling life? People of the North, the answer is with you. Rise above passion, throw away corruption, cease to hate and learn to trust, and this dying system will spring to newer and yet more glorious life. The stake is too great for duplicity and the danger too imminent for trifling. The past calls to you to vindicate its wisdom; the present charges you with its treasures, and the future demands of you its hopes. Forget your anger, and be superior to the littleness of revenge. Meet the South in her cordial proffers of happy reunion, and turn not from her offered hand. From your great cities and teeming prairies, from your learned altars and countless cottages, from your palaces on sea and land, from your millions on the waters and your multiplied millions on the plains, let one united, cheering voice meet the voice that now comes so earnest from the South, and let the two voices go up in harmonious, united, eternal, ever-swelling chorus, Flag of our Union! wave on; wave ever. Ay, for it waves over freemen, not subjects; over States, not provinces; over a Union of equals, not of lords and vassals; over a land of law, of liberty, and peace, not of anarchy, oppression, and strife!

CORRESPONDENCE.

UNIVERSITY OF GEORGIA,
Athens, Georgia, July 31, 1871.

MY DEAR SIR: I have the honor of submitting to you the following resolution, unanimously passed by the Society of the Alumni of the University of Georgia, at their regular annual meeting, held this day, viz:

By Colonel Samuel Hall:

"*Resolved*, That the thanks of the Society of the Alumni be returned to Mr. B. H. Hill for the able, eloquent, and instructive address delivered at their request before them, on this day, and that a copy of the same be requested for publication."

Hoping that you will comply with the wishes of the society, I am, with great respect, your obedient servant,

WILLIAM HENRY WADDELL,
Secretary of the Society of the Alumni, University of Georgia.

Mr. B. H. HILL.

ATLANTA, GEORGIA, *September* 9, 1871.

MY DEAR SIR: Your letter of July 31, communicating the resolution of the society, asking a copy of the address for publication, reached me two days ago.

I cheerfully furnish a copy as requested and for the purpose designated.

With high regard, I am, yours, very truly,

BENJ. H. HILL.

Professor WILLIAM HENRY WADDELL,
Secretary of Society of Alumni, University of Georgia.

ADDRESS.

MR. PRESIDENT AND GENTLEMEN OF THE ALUMNI SOCIETY: I congratulate you on this assembling to-day. I congratulate our dear, though unfortunate, old State, because of the purpose which has prompted us to come together. And I greet with words of cheer and hope the many who shall come after us, because of the work which, I trust, we shall this day inaugurate.

Residents in every portion of our commonwealth—representatives of every interest in this the land we love—sharers in all the trials of the past—sufferers in all the destitutions of the present, and yet partakers, all, of that bliss-inspiring ambition which looks for compensation to the glories with which ourselves shall help to enrich the future—we, her children, gather this day in this, her nursery-hall, to ask our loved mother what she needs to place and keep her abreast, the equal of the greatest, the peer of the noblest, in the progressive world of science, letters, and art.

In the present, far more than in any preceding age, ideas govern mankind. Not individuals, nor societies; not kings nor emperors; not fleets nor armies, but ideas—educated intellects—using and controlling all these, as doth the mechanic his tools, uproot dynasties, overturn established systems, subvert and reorganize governments, revolutionize social fabrics, and direct civilizations. True, we have the most wonderful physical developments—as marvelous in character as they are rapid in multiplication. Whether we look to the engines for war or the arts of peace, to the means of destruction or the appliances for preservation, to the facilities for distribution or the sources of production and accumulation, we shall find nothing in the past comparable to the achievements of the present. But all these gigantic elements of physical power are but the fruits of educated minds—have leaped into being at the command of ideas, and they are under the absolute control of ideas; and whether they shall really promote or destroy civilizations must depend altogether upon the wise or unwise discretion of this omnipotent commander. Thought is the Hercules of this age, and his strength is equally a vigorous fact, whether it be employed in throttling the lion of power, or in cleaning out the Augean stables of accumulated social errors. Moving by nations, by races, and by systems, this irresistible ruler—educated thought—is setting aside old and setting up new civilizations at will.

It is not my purpose now to analyze the different civilizations which are competing in the great struggle to lead humanity, nor to select any one for prominent advocacy. Nor must I be understood as saying that that which changes always reforms, nor yet, that every apparent triumph is a just progress. But this much I affirm is true; that community, that people, that nation—nay, that race or that system which, Diogenes-like, will now content itself with living in its own tub, asking nothing of the conquer-

ing powers around it, except that they stand out of its sunshine, will soon find itself in hopeless darkness, the object of derision for its helplessness, and of contempt for its folly. Whether civilizations, on the whole, be going forward or going backward, the result must be the same to those who insist on standing still—they must be overwhelmed. Because all the world *is*, therefore, each portion of the world *must* be awake and thinking—up and acting. Nor can we afford to waste time and strength in defense of theories and systems, however valued in their day, which have been swept down by the moving avalanche of actual events. No system which has fallen and been destroyed in the struggles of the past will ever be able to rise and grapple with the increasing power of its conqueror in the future. We can live neither *in* nor *by* the defeated past, and if we would live in the growing, conquering future, we must furnish our strength to shape its course and our will to discharge its duties. The pressing question, therefore, with every people is, not what they have been, but whether and what they shall determine to be; not what their fathers were, but whether and what their children shall be.

God in events—mysteriously, it may be, to us—has made the educated men in the South, of this generation, the living leaders of thought for a great and a noble people, but a people bewildered by the suddenness with which they have been brought to one of those rare junctures in human affairs when one civilization abruptly ends and another begins. I feel oppressed with a sense of fear that we shall not be equal to the unusual responsibilities this condition imposes, unless, conquerors indeed of the greatest model, we can deal frankly with these events, frankly with ourselves, and bravely with our very habits of thought. Though unjustly, even cruelly slain, brave survivors lie not down with the dead, but rise up resolved all the more to be leaders and conquerors with and for the living.

Let, then, the other days of this literary festival suffice for the fascinations of rhetoric and the cultured figures of oratory. It accords alike with the grave duties of our assembling, with the suggestions of those who have called me to this task, and with my own convictions of duty, to deal with practical thoughts, looking to results, and to "speak forth the words of truth and soberness." I propose, therefore, to consider—

I. The situation of the southern people in their relation to the other civilized peoples of this age.

II. The means by which that situation may be improved and advanced, and especially our educational wants and demands in this connection.

III. The application of the views presented to our own State, to our own university, and thence deduce our duties as citizens of the State, and as alumni of the university.

In 1787, when the States, by their delegates, were engaged in the work of framing a government for a common Union, and the then existing and prospective relative powers of the several States and sections were being discussed, there were wise men who ventured, with much confidence, to predict that in a not distant future the Southern States would surpass all others in population, wealth, and power. Nor was this prediction then unreasonable. The areas of these States were most extended. Their soils were naturally the most fertile. Their climate was the most genial, with a temperature compatible with out-door labor during all seasons of the year. Their productions were the most varied and deemed of greatest commercial value, though at that time tobacco, rice, and indigo were the chief staples, and that marvelous fibrous texture which is now strong enough to tie the fortunes of all people, more or less, to these States, was then little known or relied on. So, also, their harbors for commerce were as many and as wide and as deep; and although geology and other physical sciences had then scarcely more vision than he who only saw men as trees walking, yet, with even that faint vision, they saw gold and silver, and iron and lead, and coal and all minerals, rich, accessible, and exhaustless, in their hills and valleys and mountains.

But the hopeful anticipations of those wise men have not been realized. Areas less extended contain more homes. Soils less fertile have produced more fruits. Climates where the snows scarcely melt have attracted more people than our sunny skies. Coal and iron, and all metals, which in other States were deep buried, have been, with immense labor and expenditures and dangers, dragged from the bowels of the opened earth, while here, where they lie at the surface, and seem to throw off the earth's covering as if to hear the zephyr and peep at the sun, they are still undisturbed. Many of our best harbors, as fine as any filled by the waters of the sea, do not know to this day but that the vessels which carry the golden fleeces of commerce are still of Argonautic pattern, and if they were to hear the fierce blowing of the flying steamers, they would testify to all the gods of mythology that old Neptune had grown angry, and, in thundering wrath, was lashing his dominions. Why this failure? Charge not God. He has done for no people more than for us. He gave us not only the sweetest flowers, the richest fruits, and the brightest skies, but He added to these every other good gift. Nor can this failure be charged to any deficiency in the white race. This earth contains no white race superior to the southern people. Still, the question comes back to us, why have States with inferior natural advantages advanced more rapidly in wealth, in population, and in all the elements and means of power? Our failure must be found

in the manner of improving our gifts and not in the want of them. The beginning of all greatness in our future must be based on the wisdom which shall discern and the courage that shall correct the real cause of this, our failure in the past.

This cause, in my opinion, is to be found in one fact, but a fact which, like the Lernean hydra, multipled itself. That multiplying fact is this: The southern laborer was a slave, a negro slave, and an ignorant negro slave.

It is not within the scope of this address to discuss the morality of slavery, nor the views of the southern people touching the question of property in slaves, nor even to allude to any political issue of the past on the subject of slavery, nor yet to venture so much as an opinion on the effects of slavery, or of its abolition, on the fate of the negro race. I only propose to show that slavery affected, and most deleteriously affected, the Southern States and people in general scientific, physical, and educational progress, and especially in *material* and commercial development, and, as a consequence, delayed their growth in population, wealth, and physical power.

In the first place it must be conceded that the most striking manifestations of progress in modern civilization are found in the extensions of educational facilities to the masses of the peoples; in the elevation and advancement of strictly industrial pursuits; in the establishment of scientific, physical, mechanical, and all polytechnic schools, and in the discoveries made and results wrought by educated and enlightened industries. Indeed, I am not convinced that this generation has witnessed any religious, political, moral, or professional progress. Religion, the science of faith, so to speak, being the inspiration of God, can never become a subject for improvement by human skill or art. It was altogether perfect when first given. It exhausted truth when first spoken. True, science does frequently and arrogantly parade some new discovery as proof that the Bible is a fable; and hence it is that we have sometimes seen the greatest of human intellects become, for the moment, victims of the most pitiable of human weaknesses, and, discarding the only true God, bow down to some idol of their own creation. This was strikingly illustrated in the early days of geology.

Therefore, while there can be no new discoveries of faith, and no wiser utterances than those of the despised Nazarene, yet, in view of this anxious proneness of the mind to discover a god of its own for worship, it is important that the embassadors of heaven should become the pupils of all human schools, and keep pace with human science in all her ever-freshening fields, that they may be able to show that whatsoever that science may or can discover, however new or startling to us, it is only what He who guided the babe of the bulrush, who elated the Judean shepherds, and inspired the Galilean fishermen, always knew and never contradicted. To the extent, therefore, that the physical and natural sciences have progressed, the theologians of this day may be and ought to be more learned than those of preceding ages.

So, again, I doubt whether this century has witnessed any progress in the science of government or of law. Popularism is the distinguishing feature of modern statesmanship. Improvement in that direction is still a problem. At the hazard of wounding the pride or offending the vanity of the disciples of modern professional sciolism, I must be permitted to question whether, since their day, civilized nations have produced any lawyer more profound than Blackstone, any pleader so accurate as Chitty, or any judge wiser than Mansfield.

Similar remarks might be made touching other branches of learning; but I have said enough to fix and isolate the point before stated, that modern progress is chiefly, if not entirely, found not in the advancements of what are called the learned professions, but in the education and elevation of the masses; in the discoveries and appliances of the physical sciences; in the establishment of schools of science, and in the promotion, enlargement, and results of all departments of industries. To these we owe those remarkable inventions which substitute the sinews of nature for the muscles of men and animals in the work of productions; that wonderful facility of distribution which makes the most delicate fruits of each clime the fresh comforts of every people; and that ever-marvelous system of communication which enables each living man to step to his door, nay, to sit in his chamber and converse with all other men in whispers, and which enables the man beneath us, with his head pointing the other way, to send us his greetings with each rising sun, saying, "Good morning, *neighbor*." And to these we owe also innumerable comforts and conveniences in every field of business and in every sphere and department of life.

Now, let me ask, how much to all this wonderful progress of modern civilization, to all these comforts, conveniences, and facilities of man and of society, have the slave-holding States and people contributed? Nay, how much of all these works of others have we even appropriated and reproduced except as cupidity has tempted others to furnish them? We have railroads, and telegraph lines, and a small proportion of needed manufactories. But whence came the educated engineers who build and operate them? We have a few machine-shops, but whence came the machinists? Go even into our laundries, our kitchens, our chambers, and our parlors, and tell me how many of the comforts, the conveniences, the elegancies you find there were made by slave labor; indeed by labor in slave-holding States? These things can be so

truthfully said of no other people entitled to position in the column of advancing civilizations.

In accounting for these short-comings my predicate is, that the cause must be found, not in the absence of natural gifts or resources, and not in any inferiority of our white race, but in the fact that hitherto the laborer of the South has been a slave, and a negro slave. The first step in the argument is this:

Because of the condition of slavery, the supposed nature of the slave, and the external pressure which aggravated both, it was deemed essential, for internal peace and social security, to make ignorance the primal condition of the slave, and, as a result, the primal law of labor. Thus the Southern States were driven to the fearful disadvantage, in competing with a world advancing by means of educated industries, of making it a penal offense—a punishable crime—to educate their laborers.

Whatever may have been the necessities of such a policy as touching the safety of society, or the well-being and proper subjection of the slave, it must be said that no greater curse can be inflicted upon any people than that of being compelled to keep as their chief laborers persons who, for any cause, it cannot be both wise and safe to educate.

The first effect of this state of things was the necessity of confining our principal labor to the simplest processes—processes requiring muscle and not skill. But this itself is a paradox, for I deny that there can be any labor which skill cannot progress, elevate, and improve. Another effect, and one still more serious, was that labor, in a great degree, became degraded to the condition of the laborer. The real supporter of all society—the producer, and the true authors of all comfortable appliances and physical improvements—the mechanic, the machinist, and the artisan—felt the weight which thus pressed them from the front seats of social consideration, and assigned them a kind of half-way position between the gentleman and the slave. A large proportion of our white population, not born to fortune nor blessed with first-class educational advantages, struggled, by all practicable means, to avoid the kinds of labor performed by slaves, and labor itself, if possible. They would resent, as an insult impeaching their respectability, all invitations to occupy the same useful positions in our society which the same class of population in all other countries were glad to fill. "Thank you, sir; I am not a slave," was the ever-ready answer of starving pride to the most courteous offers for service by opulence.

The educated minds of the South sought, almost exclusively, the professional fields for employment. Our social fabric was built, in great measure, upon the distinctions which these results created. Even intellectual and professional labors were avoided, if the number of slaves doing vicarious service would permit the enjoyment of those most generally desired of all positions in society—elegant leisure, luxurious abandon, and hospitable idleness. Even the business of teaching—the calling of Plato—did not obtain, save, perhaps, in our first-class universities, the position of estimation to which it is always so justly entitled, because its followers were either, in some sense, laborers, or were supposed not to possess the number of slaves deemed necessary to an easy independence.

Thus it was that, in a world whose greatest necessity is labor and in an age when all other peoples were being prized into power by the Archimedean lever of educated labor, we of the Southern States were earnestly defending and maintaining a system of labor whose legal status was ignorance, and whose social impression was that labor was the badge of a slave, entailing a sort of social degradation, while idleness was the lucky fate of a gentleman entitling to social excellence. Many of our "best society" would have deemed it a scandal to have been suspected of being capable of discharging the simplest functions of many necessary labors. How many of our educated young men, especially son of large slaveholders, were willing, like Abraham, to bring with their own hands the tender kid from the flock; and how many of our accomplished and fashionable young ladies were either willing or able, like Sarah, "to knead three measures of fine meal, and bake cakes on the hearth," to induce even angels to tarry? They could well entertain them with exhibitions of imported millinery, with lively accounts of the last romance, and with marvelous sounds of operatic music, all, doubtless, novelties in their country; but, I fear, if some sable Dinah were not about, even angels would have to go away hungry![*]

So, again, our politics became absorbed, passionately absorbed, with issues involving slavery; and those theories of our Government with the maintenance of which the existence and protection of slavery were supposed to be intertwined became the specialty of our statesmanship. Here, indeed, we produced lengthy, learned, and able dis-

[*] That great southern man, Thomas Jefferson, in speaking of the evils of slavery on the southern people, says: "With the *morals* of the people their industry also is destroyed. For in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves, a very small proportion, indeed, are ever seen to labor." (Jefferson's Works, volume VIII, 404.) Now, I admit that slavery did have the *industrial* effect described by Mr. Jefferson, but I deny the *moral* effect. I think no people ever exhibited a more hospitable and refined society, nor *one in* which the standard of morals was higher, than did the southern people under slavery.

quisitions, combined with logical power and exhibitions of oratory such as no people ever surpassed, and thus most abundantly demonstrated that southern intellectual capabilities were equal to any task. But what real permanent progress have these made for us? Take our most distinguished, able, and renowned statesmen of this generation; exclude from their works those portions devoted to slavery and the theory of government alluded to, and pray tell me, what is left?

Where are our Bacons, or Newtons, or Blackstones, or Burkes, who, by labors long and vigils many, have wrought out theories of government, codes of law, and revelations of science, applicable alike to all people and blessing all conditions of mankind? Nay, where are even our Storys, Bancrofts, and our Noah Websters? There are many whom the ghost of our dead civilization may justly call champions, *her* champions; but how many have we whom living, growing, immortal civilizations will honor as victors in the world's field of thought? Then, turning our attention to those fields of thought and of progress which I have described as peculiarly distinguishing the civilizations of other peoples, and where are *our* trophies—*any* trophies for us?

It has been said the South was intended by nature to be only an agricultural country. This is one of the sickening excuses of slavery. But concede it, and the question recurs with terrible force, what have we done in agriculture save to wear away our soils by the application of ignorant muscle? Do the millions of acres of land originally fertile, now deserted as barren, given up to sedge-grass and clump-pines, attest the skill of ignorant slave labor in this its chosen field? If this were the only field for slave labor—and it was certainly a rich gift from nature—how vigorously has slavery been destroying it?

But why did God pile up our mountains and fill them with coal and iron and all metals and minerals, if He did not intend us to be a mining and mechanical people? Why did he send through every neighborhood the finest of earth's streams with exhaustless water-powers, if He did not intend us to be a manufacturing people? Why did He dig along our shores such magnificent harbors, and give us productions which exceed all others in commercial value, if He did not intend us to be a commercial people? Nay, God has given us every element of progress possessed by any other people, and to none did He give them in greater profusion; but they all lie unimproved, because labor, by which alone they can be utilized, has been degraded as a thing of muscle, meet to belong to the slave, and not honored as the God-intended means by which educated genius and skill should convert everything into power.

So, too, while our native labor was thus kept by law, by ignorance, and by consequent social distinctions, incapable of developing our physical resources, the educated skill of other countries, in great measure, declined to abide among and work for a people with whom labor was the fate of the slave and the aversion of a gentleman. For every one of these who was willing to make his home among us and work up our raw material on the spot, there were ten who preferred hastily to gather up that raw material and freight it away, and then freight back a proportion of the manufactured result for our use, with all charges added. Thus, our exhaustless natural resources seem to exhibit the more glaringly our inability, under our system of labor, to convert them into things of wealth, use, and power.

When controversy over slavery lately culminated into war, our enemies had only to shut up the South from the outside world most effectually to exclude her from all the modern facilities for conducting that war. In this condition, thrown upon our own strength, we found ourselves unable to manufacture those facilities. Every raw material we possessed in abundance, but we had neither the machinery to make that material available, nor the skilled labor to make or operate the machinery, save only in the persons of a few who were educated in other countries and consented to cast in their lots with us. We were reduced to the necessity of trusting to the skill and daring of bold adventurers, stimulated with promises of large rewards, to elude the wary sentinels of wrath in the darkness, to bring in a scant supply of munitions of war, and of even clothing to hide the nakedness of our troops. One of the most remarkable features of our struggle, without a parallel in historic civilized annals, was that our soldiers often resorted to the most courageous strategy to capture enemies, desiring less the enemy than their improved weapons of war; and often did it happen that our brave sons threw away the inferior arms in which they began the fight, and re-armed themselves, in the raging midst thereof, with the better arms taken from the foe.

If, before the war, the Southern States had kept pace with the world in physical progress and scientific schools, they would have been invincible by any force which the enemy could have sent against them.*

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* Since the address was delivered, a very intelligent gentleman has placed in my hands a very able work on "Coal, Iron, and Oil," written by a gentleman of Pennsylvania since the war. In this work I find the following confession: "If the Southern States had kept pace with the Northern in developing their physical resources there would have occurred no rebellion; but if it had occurred, it would have *been utterly impossible to have subdued that people.*"

Coal lands sell in England for from $5,000 to $7,000 per acre; in Pennsylvania, for from $500 to $1,000 per acre. Lands, fully equal in natural value in Georgia, sell from $1 to $5 per acre. Pennsylvania has $230,000,000 invested in the anthracite coal business alone, more than the taxable value of the State of Georgia. The city of Pittsburgh, built and sustained by the coal and iron business alone, has a population of one hundred *and fifty thousand*, more than the six largest cities of Georgia combined.

We failed, but not for the want of skilled leaders. These we had, and human annals never furnished their superiors. Not for the want of courageous armies, for these, too, we had, and human conflicts never marshaled braver for battle. We had learned counselors, able generals, gallant soldiers, and an earnest people, all stimulated with the belief that independence, liberty, and hope hung upon the issue of the struggle; but we had not those physical elements of power which modern sciences and skilled labor have fashioned, and without which it is now vain to make war, and therefore we failed. In the right for which we fought was the weakness by which we fell.*

In fine, it is no extravagance of thought nor straining of language to affirm that for two generations southern progress, southern development, and southern power have been in bondage to the negro; and southern failure, southern dependence, and southern sorrow are the heavy penalties we suffer for that bondage. For more than thirty years southern genius, with all its glorious natural spirit of Promethean daring and venture, has been chained by some offended god of jealous vengeance to this stolid rock of slavery, and vultures have preyed upon it!

'Tis LOOSED! We inquire not how, whether by fate or by folly; whether in right or in hate; nor whether the human agency was wicked in purpose and cruel in manner; we thank thee, God, for the *fact*—'TIS LOOSED!

II. Understanding now the causes of our shortcomings hitherto, the next question is, by what means shall our situation be improved? Suddenly and without remedy slavery has been abolished. The peculiar civilization wrought by slavery must perish with it, and a great proportion of the labors of the South, being mere supports and results of that civilization, must perish too. But does it follow that southern genius, southern prosperity, and the southern people must perish also? Are we to admit that our deficiencies were attributable to the governing race of the South, rather than to the want of skill and efficiency in our system of labor? The attempt to locate the cause of our failure to advance in population, wealth, and power, in the laws of immigration, by parallels of latitude, and in the exclusive adaptedness of the South to agriculture, will not convince. The truth is, immigrants coming from free countries did not follow parallels, but followed systems, habits, and feelings, and avoided slavery; and negro slave labor was chiefly confined to agriculture, because it did not possess the skill and intelligence needed for educated industries. Let us see plainly the cause, and let us apply vigorously the remedy. If this generation of our educated men will now bestir themselves, we shall soon find that only our fetters have been broken, and the day of unequaled greatness and prosperity will dawn and brighten to glorious and lasting noon in the South.

All our natural advantages, damaged only by a worn soil, ignorantly worked, remain in all their freshness and plenty. We must utilize them. And that we may utilize them we must honor, elevate, and educate labor, and to this end we must establish schools of science, and train our children to businesses and callings other than law, medicine, and theology.

If our own people shall not be educated, and thus enabled to appropriate and convert into power and wealth the natural resources we possess, other educated peoples will now come in and appropriate them, and the original southern population and their descendants will indeed perish with slavery, or pass away like the Indians, or will sink into a condition of inferiority and dependence more galling and ignoble than death or exile.

The first step of upward progress is to build up our universities. Flowing down from these, education must reach the masses. Our own sons must be taught to build and operate all machinery. Furnaces and foundries, studios and workshops, must be as honorable and abundant as the offices of the learned professions, and they must be filled with our own children, made experts in our own schools of science. Then population will also flow in from other States and countries, and in a form not to displace or dominate over us, but only to add to our strength. Then wealth will increase,

* In that great speech of Mr. Burke, "on conciliation with America," we have a true and philosophical description of the dominating and invincible spirit and love of freedom found in slave countries. Every page of American history since that day has illustrated the correctness of the utterance in that speech. And for that very feature in the philosophy of slavery, so tersely expressed by Mr. Burke, I believe if the slaveholding States had been content to remain integral portions of the United States, and had sought redress for grievances only in the Union, and as the faithful adherent and defender of the Government of the Union under the Constitution, they would have continued, as they had ever been, the controlling power in that Union. They would have furnished the leaders of the Cabinet in peace, and the leaders of the armies in war. It was so in the first revolutionary war. It was so in the war of 1812. It was so in the war with Mexico. And if in 1861 the united sections had gone to war with a foreign power instead of with each other, who doubts that even the Northern people would have placed Lee and Jackson at the head of the combined armies? And against such a people, the South furnishing unequaled skilled leaders, and the North unequaled skilled labor and materials—the combined world might have united in vain.

But that same dominating spirit and love of freedom spoken of by Mr. Burke made slavery insist upon standing alone. Then we found that modern science and skilled labor, since Mr. Burke's day, had made something besides brains and courage necessary to success in war. Fatal mistake! It was death to slavery! I pray God it may result in the final death of nothing else!

homes will multiply, power become a fact and not a theory, and then, and not till then, we shall see and feel taking bodily shape and form those tantalizing, perplexing myths, after which we have so long vainly grasped—State rights, State sovereignty, and State independence!

And what shall we do with the negro? He is still among us. His capacities still form a problem. But our duty is plain, and our interest is equally plain. We must do all in our power to educate, elevate, protect, and advance the negro. If his capabilities prove sufficient to enable us to promote him into an intelligent laborer, the country will reap the benefit. If they prove insufficient, we shall have demonstrated the fact, and others will take his place. We *must* have an educated labor. We must have multiplied industries. We must have schools of agriculture, of commerce, of manufactures, of mining, of technology, and, in short, of all polytechnics, and we must have them as sources of power and respectability, and in all our own sons must be qualified to take the lead and point the way.

III. Let us, in the third place, apply the views presented to our own State, to our own university, and thence deduce our duties to both.

No portion of the habitable globe surpasses Georgia in natural gifts. In coal, iron, and metals she equals Pennsylvania. In timber and water-power for machinery she exceeds, beyond computation, Massachusetts. In capacity to sustain population she is greater than New York; and in the value and variety of her productions and the genial healthfulness of her climate she is excelled by no equal area of the earth's surface. Those wise men, therefore, who, in 1787, predicted the superior growth of the Southern States in wealth, population, and power, were certainly not unreasonable in reference to our own State. Then why, with such vastly superior natural gifts, is Georgia so far behind each of the States mentioned, and, indeed, so far behind other younger and smaller States not mentioned? *Only* because the art and skill which utilize natural advantages have been applied there, and have not been applied here. We have looked almost exclusively to the negro slave as our laborer. We have, by law, kept even the negro an ignorant laborer. We have thus fixed a social brand on labor itself, and have thus made it promotive of social caste to be able to live idly, and one of the greatest of misfortunes, entailing a sort of social exclusion, to be compelled to labor. This system has rendered our own people unwilling and unqualified to multiply our fields of industry, and this same system has kept away the educated laborers of other countries. The result is, that almost the only field of labor occupied in our State is that one of agriculture supposed to be adapted to the capacities of the uneducated negro slave, and in that field we find our natural strength greatly lessened by the perpetual wear of ignorant muscle, instead of being, as in the States mentioned, improved by educated skill. We have not only refused to mine our metals and give employment to our water-powers, but we have been cutting down and burning up our forests; we have so stirred our soils that the rains which kindly came to fructify them were compelled cruelly to wash them away; we have converted into the flesh and bones of the slaves the wealth which God placed in our lands, and then carried the slaves west to repeat the process; and in all the natural elements of agricultural wealth we are weaker to-day than we were in 1787.*

Now, this process cannot continue. Our coal and iron will not always sleep in the shallow earth because we think it unbecoming the social position of an educated gentleman to wake them up and lift them out. Our magnificent trees will not always grow and fall and decay because our young men think the style of a gentleman is a soft hand in a kid glove. Nor will the educated laborers of other States and countries always, or even much longer, send here and freight away, at great expense and labor, our raw material, to foreign shops for manufacture. No; that supposed necessity which enacted the law that labor, as a thing of muscle, must be kept ignorant, has been swept away. Its consequences, social and otherwise, must cease. The time is coming, and now is, when professional gentlemen will not be regarded as the only class

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* General T. R. R. Cobb, in his work on slavery, speaking of the migratory habits of slaveholders, uses this strong language:

"In a slaveholding State, the greatest evidence of wealth in the planter is the number of his slaves. The most desirable property for a remunerative income is slaves. The best property to leave to his children, and from which they will part with greatest reluctance, is slaves. Hence, the planter invests his surplus income in slaves. The natural result is that *lands are a secondary consideration.* No surplus is left for their improvement. The homestead is valued only so long as the adjacent lands are profitable for cultivation. The planter himself having no local attachments, his children inherit none. On the contrary, he encourages in them a disposition to seek new lands. His valuable property (his slaves) *are easily removed to fresh lands;* much more easily than to bring the fertilizing material to the old. The result is that they, as a class, are never settled. *Such a population is almost nomadic.* It is useless to seek to excite patriotic emotions in behalf of the land of birth, where self-interest speaks so loudly. On the other hand, where no slavery exists, and the planter's surplus cannot be invested in laborers, it is appropriated to the improvement or extension of his farm, the beautifying of the homestead where his fathers are buried, and where he hopes to lie."—(Cobb on Slavery, 217.)

The truth is that those wonderful patriots, who become hysterical when a defect in slavery is admitted, are of very modern growth. It almost seems as if God raised them up to run the people mad, that slavery might be destroyed!

of occupied society who need a first-class education, and who may compete with the more fortunate idle in social excellence and matrimonial preference.

Whether we educate them or not, and whether in the persons of our own children or not, the practical geologist, the mineralogist, the chemist, the miner, the manufacturer, the machinist, the mechanic, the engineer, the artisan, the earnest alumni of all schools of applied science, with diplomas in their pockets, are all to inhabit and will inhabit and work and build up this State so favored with rich gifts and spreading fields for all.

Our tired soil will strike up a song like unto Miriam's, when it feels the touch of accomplished skill. Our ores will leap from their beds, and in ringing mirth make and feed active machinery. Our flowers and plants will load the air with merry fragrance as they yield their hidden essences to heal and to comfort. Our water-falls, wearied with the solos of centuries, will join in musical duets with the shuttle and loom. Our pine and oak, and walnut and cypress, will take every form of beauty and every shape for use. Our fields, renewed like a strong man from his couch of fever, will yield tenfold sheaves for our garners. Our wildernesses will be filled with cottages; our villages will grow into cities, and our cities will enlarge their borders and increase their spires; and our harbors will proudly ride the ships of the whole earth, bearing away the products of mine and field, and shop and factory, ready wrought into everything of ornament and value.

And I tell you, nay, in the earnest words of one whose very soul feels the pressing weight of the utterance, I warn you this day, that *they who work these results will govern in this country.* If the present gives sure prognosis of anything in the future, if the examples of other countries like developed teach any lesson, it is that the physical and scientific developments of this country will fix the character of our institutions, and furnish the rulers of our people. Progressive civilization has issued its new decree. Professional men shall have rivals for the seats of power; and those rivals are the devoted children of applied science, the educated leaders of labor, who hold in their grasp the ever-enlarging fields which employ, improve, and control mankind.

The only question is, whether our children or the children of others shall occupy these fields and be these rulers. They will be occupied, and by rulers. God never gave this southern country so many rich gifts to lie forever unappropriated. Those who know their value will not permit them to remain forever useless when all the world needs them. We must answer the question. Will we, like wise fathers, like thinking, educated citizens, wake up to the full realization of the new civilization that is now throwing its light in floods upon us, and provide for our children and people the facilities by which they may retain the possessions they occupy? Shall we teach them to pine away or fret to exhaustion for imaginary treasures hopelessly lost, rather than how to reach out their hands and gather richer real treasures piled up all around them?

The beginning of all improvement in Georgia lies in the enlargement of our system of education. Education is like water; to fructify, it must descend. Pour out floods at the base of society, and only at the base, and it will saturate, stagnate, and destroy. Pour it out on the summit, and it will quietly and constantly percolate and descend, germinating every seed, feeding every root, until over the whole area, from summit to base, will spring "the tender blade, and then the ear, and then the full corn in the ear."

The first necessary step in any educational system, therefore, and the first, the highest, the holiest duty, now pressing upon every Georgian, is to build up this university. This is our summit. This is the Ararat on which the ark that bears all that is left of our old civilization must rest from the storms and waves of revolution, and send out the life and strength and hope of a better civilization, which shall not again be destroyed.

In organizing a complete university I would, in the first place, preserve a full and rigid college curriculum for all who desire a strictly classical and literary education. I would then add all independent polytechnic schools, courses of study, abstract and applied, scientific, regular, and elective. I would provide every facility to make and accomplish the universal scholar and the special expert. Nothing desirable or useful in knowledge should be better or more thoroughly and cheaply acquirable elsewhere. I would have teaching by lectures, by recitations, and by experiments, and sifting examinations, individual and class, oral and written.

In the next place, I would make tuition free in every department of the university. I would pull down the toll-gates which bar the passage of light, and knowledge should go to the ignorant mind as air goes the tired lungs, and water to the parched lips. Every father in Georgia should be taught to feel and made to rejoice that his son had a patrimony in the university of his State. And not only this, I would provide for the proper selection from every portion of the State of the promising children of orphanage and indigence, who should find here that parental kindness and smile of fortune which would secure food and raiment, with education. I would establish systems of scholarships and fellowships, and would require their recipients to distribute throughout the State the blessings they had thus received from the State. We have had in the past,

nominally, a university *of* Georgia, and I would have in the future really a university *or* Georgia.

The field of power and glory opened by this thought for our State in one generation, from the present stand-point of humiliation, is rich and inviting, but too broad for exploration to day.

Let it not be objected that a system like this would require means. Education is the one subject for which no people ever yet paid too much. Indeed, the more they pay the richer they become. Nothing is so costly as ignorance, and nothing so cheap as knowledge. Even under old civilizations, the states and people who provided the greatest educational dissemination and advantages were always the most wealthy, the most powerful, the most feared and respected by others, and the most secure in every right of person and property among themselves. And this truth will be tenfold more manifest in the future than it has been in the past. The very right arm of all future national power will rest in the education of the people. Modern civilizations mock any extent of brute force in the hands of ignorance. Power is leaving thrones and is taking up its abode in the intelligence of the subjects. Liberty, awakened with perpetual treacheries and worn out with constant alarms for her safety in the forms of government, will soon find no abiding home save in the intelligence of the people. Modern physical sciences are writing many changes in the long-established maxims of political economy. Capital no longer patronizingly employs labor, but enlightened labor takes capital by the hands and directs it where and when and how it should be invested. Industry—educated industry, has taken possession of the exhaustless stores of nature, and of nature's forces; is daily lifting up her hands, full of all new inventions; is filling the earth with her instruments of elevation and improvement; is grasping continents and binding the nations in a bundle, and, with right royal confidence, is bidding kings and rulers, empires and republics, obey.

I affirm to-day that the wealth and the power and the security and success of existing nations are exactly measured by the standards and the extent of their educational systems, and that those nations possess the highest standards, and the most efficient and widely diffused systems of education, which have devoted the largest means and taken the greatest pride in endowing and enlarging their universities.

What is, and long has been, the secret of the power of England? You will say her well-balanced government, her almost perfect administration of law, her navy, her material improvements, her vast industries, her educated people, and her experts in every known science. But whence come those who maintain that well-balanced government, who administer her laws; who build and command her navy; who multiply her industries; who develope her resources, and who gather tribute for old England from everything and everywhere? There stands the grand answer—Cambridge and Oxford. And is England wasteful, or unwise, or oppressive upon her people because upon each one of these—her eyes, her ears, her arms, her wealth, her power, her glory—she annually bestows two millions of dollars?

"Prussia annually appropriates to nine of her universities more than one million thalers." Need I tell you now that the victories of Sadowa and of Sedan were won in the school-rooms and the workshops? It was educated artillery to which Austria so readily courtesied, and before the approach of which France, haughty France, lifted her crown, yielded her capital, and bowed in humility. What would become of the statesmanship of Gladstone and Bismarck if they moved to discontinue these universities on the ground they were costly?

Let us look nearer home.

Massachusetts has one university with an endowment of over two millions of dollars. Connecticut possesses one with an endowment of over one million. New York contains two universities with an aggregate endowment of over six millions of dollars. The universities of the North, and chiefly of New England, have lately received appropriations amounting to nine millions. The university of Georgia has received not one dollar. Even the small pittance she receives annually from the State is only the interest on funds she turned over to the State for a safe investment!

Of twenty-two observatories in the United States, only two are south of the Potomac. Both of these were erected by northern gentlemen, and neither is now in use.

Even some of the new States, more than a century our juniors in age, have given an hundred-fold more than Georgia to establish and endow their universities and industrial schools.

But these Northern States are all rich and we are poor! They are strong and we are weak! Yes, add *therefore* is it so. And if the same process shall continue, they will grow richer and we poorer, they stronger and we weaker! We have theorized about rights, and have degraded labor with ignorance to preserve rights. They have worked for power, and have educated labor to secure power. The result is, we have scarcely any right or power, while they have population, wealth, rights, and powers, and every means of maintaining and increasing them.

And were we ready for independence? Were we not deceived as to the real source of our weakness and also as to the extent of that weakness? With every natural resource,

but with no art or skilled labor to render them available, is it wonderful that we failed? Rather is it not the world's marvel, that individual skill, social pride, and almost unarmed courage were able to sustain the unequal struggle so long? If we had won the acknowledgment of our political independence, would we not have been compelled to send among our late enemies for an architect to plan and build a capitol for the new nation; and even for men of science to lead us into our own hills and mountains, to show us the power sleeping there, and how that power could be aroused and made valuable in peace and mighty in war?

The people of Georgia, annually, send to other States and countries for very many articles which they possess in greater abundance at home. Educated industries at the North take our raw materials, apply to them their skill and art, and resell them to our people increased in value – some thirty, some sixty, and some five hundred fold! If one-fourth the sum expended in any one year by the people of this State, for either one of several of these imported articles, were set apart as an endowment fund for this university, every school of science taught at the North or in England or in Prussia could be at once established here; tuition could be made free; a system of education covering the State could be inaugurated and carried into effect; and the result would be that the next generation of our own educated sons would find those same articles in our midst, would supply our own people with tenfold the quantity they are now able to import, and at less cost, and would have a large surplus remaining for export, as articles of commercial value to the North and to England and to Prussia.

Shall this waste continue? Are our sons and daughters unworthy or incapable of proficiency in the industrial arts? Go now to the library room of this university, and look again upon the perfect features of one of the noblest of our own lamented curators, caught, cast, and preserved by the beautiful genius and skillful touch of one of Georgia's own fair daughters, and then say if southern intellect need anything but the opportunity and the effort to win trophies in any field?

No period in the history and fortunes of our State was ever half so critical as is the present. And in this anxious hour—this crisis of her fate—to whom shall the State look with hope if not to her own educated sons?

On whom shall this loved university now lean with faith, if not on her own alumni?

Who shall stay the coming of Philip, if Athenians abandon Greece?

Who shall save our Rome from the clutch of the despot and the tread of the vandal, if our Anthonies still madly follow the fleeing, faithless, fallen African?

Gentlemen, we cannot escape the responsibility pressing upon us. If we prove unequal to our duties now, then a State, with every natural gift but worthy sons, appropriated by others, and a university fallen in the midst of her own listless, unheeding children, must be the measure of our shame in the future. But if we prove equal to those duties now, then a State, surpassed by none in wealth, worth, and power, with the university made immortal for her crown, will be the glory that is waiting to reward our ambition.

And we shall escape this shame and win this glory if we now will fully comprehend and manfully act upon three predicate propositions:

1. That the civilization peculiar to the southern States hitherto has passed away, and forever.

2. That no new civilization can be equal to the demands of the age which does not lay its foundations in the intelligence of the people, and in the multiplication and social elevation of educated industries.

3. That no system of education for the people, and for the multiplication and elevation of the industries, can be complete or efficient, or available, which does not begin with an ample, well endowed and independent university.

These three postulates embody the triunity of all our hope as a people. Here the work of recovery must begin, and in this way alone, and by you alone can it be begun.

The educated men of the South, of this generation, must be responsible for the future of the South.

The educated men of Georgia now before me must be responsible for the future of Georgia. That future will be anything you now command. From every portion of this dear old commonwealth there comes this day an earnest, anxious voice to you, saying, shall we command, or shall we serve? Shall we rise, or shall we fall yet lower? Shall we live, or shall we die?

Gathering in my own the voices of you all, and with hearts resolved and purposes fixed, I send back the gladdening response: We shall live! We shall rise!! We shall command!!!

We have given up the dusky Helen! Pity we kept the harlot so long!

True, alas! Hector is dead, and Priam is dethroned; and Troy, proud Troy, has glared by the torch, and crumbled 'neath the blows, and wept 'mid the jeers of reveling Greeks in every household. But more than a hundred Æneases *live!* On more more than a hundred broader, deeper Tibers we will found greater cities, rear richer temples, raise loftier towers, until all the world shall respect and fear, and even the *Greeks* shall covet, honor, and obey!

[See page 780.]

ADDENDA.

GOVERNOR: In compliance with the request of your excellency, I have made a thorough examination of the records of the executive department, touching the action of the department upon the subject of pardons.

Prior to your inauguration there was no analytical record kept of cases of this character, and the only information that can be derived on the subject is the copies of orders announcing pardons scattered through the executive minutes.

From July 4, 1868, to July 4, 1871, a complete record has been kept, showing in full the application, the evidence, the recommendation, and the executive action in each case. From this I ascertain the following facts:

There have been during that term of three years pardons for murder, 41; of which 25 were pardoned before trial; murder commuted, 15; voluntary manslaughter, 24; involuntary manslaughter, 7; assault with intent to murder, 36; burglary in the night-time, 41; burglary in the day-time, 11; simple larceny, 68; larceny from the person, 1; larceny from the house, 14; larceny after a trust has been delegated, 5; other larcenies, 24; assault and battery, 14; assault, 8; assault with intent to commit rape, 5; arson, 5; robbery, 8; stabbing, 3; cheating, 3; swindling, 4; incestuous adultery, 1; bigamy, 6; fornication, 3; adultery. 6; forgery, 4; perjury, 3; seduction, 2; kidnapping, 1; bastardy, 1; rape, 1; bribery, 1; compounding felony, 2; malpractice in office, 1; aiding prisoner to escape, 2; road commissioner for neglect of duty, 8; intermarrying within levitical degrees of affinity, 1; misdemeanors, 29; contempt of court, 1.

Upon examination of the official record, I find that in many and in most all of the cases for murder where a pardon has been granted before trial, the indictments therefor had been found before the late war, and some of them during the war, and that justice demanded executive interposition in behalf of the accused, as, in many instances, some of the most material witnesses on the part of the defense have removed beyond the jurisdiction of the State, and others have died; while in several other instances the State, on account of the absence of some of its most important witnesses, has failed to prosecute the cases after the indictments have been found, and cases of that character were in abeyance on the criminal dockets of the several courts for years, postponed and continued from term to term, greatly to the annoyance and detriment of the accused party or parties. In addition to the meritorious circumstances attending such cases, pardons of that character have generally been most earnestly recommended by the senators and representatives of the districts and counties, together with the most highly respectable citizens of the county or vicinity where the crime was alleged to have been committed, and, in some instances, by the officers of the court in which the indictment was pending.

Of the 15 cases in which the sentance imposed was commuted from death to imprisonment, 6 were commuted to imprisonment for life, 4 to imprisonment for ten years, 1 to imprisonment for five years, and 4 to imprisonment for one year.

Of the 24 cases of voluntary manslaughter, for which pardons have been granted, one of the convicts served his full term, and was simply restored to civil rights, while the sentence of three others, on account of the circumstances attending the commission of offenses, was commuted to one year imprisonment each—the shortest term of punishment prescribed by law.

I find, upon further examination, that many of the convicts pardoned of the offense of burglary in the night-time had served each from four to five years, in pursuance of their respective sentences, which in every instance was imprisonment for life, and that all pardons to that class of convicts were granted since the general assembly, in its wisdom, has deemed proper to alter and amend the statute reducing the punishment for burglary in the night from death or imprisonment for life to imprisonment for a less period.

In the case of the person pardoned of the offense of incestuous adultery, pardon was recommended by the judge of the superior court before whom the convict was tried, on the ground that he had been sufficiently punished, having nearly served out his full term.

While several of the pardons granted for the offense of simple larceny were for horse-stealing, yet most of them were in such cases where, by the law, the act committed is recognized as a misdemeanor only, for which the punishment generally imposed varied; as, for instance, in some cases imprisonment in jail; in others, imprisonment and a fine; and in others, work on the public works and a fine, or, in some cases, all of these punishments, as the judge presiding at the trial in his discretion deemed proper. In many of these cases, where the prisoner was too poor to pay the fine imposed, that alone was remitted, or reduced to a smaller amount. In many of the cases where pardons were granted for the offenses of assault with intent to murder, assault and battery, stabbing, &c., it was generally upon the recommendation of the prosecutor in the case, the party injured by the commission of the offense. Among the 29 cases of

misdemeanors for which pardons were issued, I find most of them to be for using opprobrious words, enticing and decoying servants to leave employer, riot, vagrancy, &c.

As a general thing, I find that nearly every one of the persons pardoned served some part of the term of his sentence, and that pardons were only granted upon the solicitation of the most well-known and respectable citizens of the counties from which said convicts were sentenced; while, in many instances, pardons were granted to those only who had nearly completed the term of confinement imposed upon them, upon the recommendations of the officers and lessees of the penitentiary, for good behavior, or on account of such physical disability as made them unfit to perform manual labor, and would have, had they been kept in further confinement, probably caused death. Where pardons were granted for good behavior, they took effect one or two days before the expiration of the term of confinement imposed in the sentence of the court.

Pardons have been refused in the following cases, to wit:

Murder, 10; manslaughter, 5; assault with intent to murder, 4; burglary, 4; horse stealing, 3; simple larceny and other larcenies, 8; rape, 2; assaults and assault and battery, 7; riot, 1; forgery, 1; cheating and swindling, 1; perjury, 1; robbery, 2; stabbing, 2; fornication, 1; adultery, 1; bastardy, 1; receiving stolen goods, 1; carrying concealed weapons, 2; playing and betting, 1; and other misdemeanors, 3.

Very respectfully,

R. H. ATKINSON,
Secretary Executive Department.

His Excellency RUFUS P. BULLOCK.

ATLANTA, GEORGIA, *October* 31, 1871.

JOSEPH E. BROWN sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will proceed with his examination.

By Mr. BAYARD:

Question. At my suggestion you have been summoned before this committee, whose object it is, under instructions of the resolution of Congress, to inquire into the condition of the State of Georgia, among other States. As you have been the governor of this State, one of her leading citizens, and a representative man, I thought that you were one of the most fit persons to give us information on that point. Are you a native of Georgia?

Answer. No, sir; I am a native of South Carolina.

Question. How long have you lived in Georgia?

Answer. My father moved to the State of Georgia when I was a youth; about the year 1837.

Question. What has been your profession, and what offices have you held in the State of Georgia?

Answer. I have been a lawyer by profession. I held first the office of senator in the legislature of the State. Then I was an elector for President and Vice-President at the time General Pierce was elected President. I was afterwards elected judge of the superior court of the Blue Ridge circuit, in which I resided at the time, and I held the office for about two years. Then, in the fall of 1857, I was elected governor of the State, and I held that position for four successive terms; I was elected four times governor of the State. Since the war I have held for a little over two years the office of chief justice of the State. At present I am holding no public position; I am president of the Western and Atlantic Railroad Company, and am devoting my attention to the railroad business. I resigned the office of chief justice to take that position.

Question. With which political party have you been acting since the period of reconstruction, or since the surrender, the end of the war?

Answer. Since the nomination for President and Vice-President in 1868, I have acted with the republican party.

Question. You were a delegate to the Chicago convention that nominated General Grant?

Answer. Yes, sir, I was, and voted for General Grant.

Question. And you have sustained the policy of Congress in your action in this State up to this time?

Answer. Well, I cannot say I have sustained everything that Congress has done, because I have not approved of every act of Congress.

Question. Your political action has generally been with the republican party since the conclusion of the war?

Answer. Generally so.

Question. What is the condition of your State at this time as affects the security of *person* and property within her borders?

Answer. Well, generally, I think person and property safe in the State of Georgia There are, however, instances of lawlessness, and crimes are frequently committed. There are cases of murder and cases of various violations of law, as there are in other States, but not probably to a greater extent than there are in some other States.

Question. Do you believe that the administration of justice throughout this State, the application of remedy and compensation for wrongs, are reasonably sufficient for people of all classes?

Answer. Yes, I think I can say it is reasonably sufficient.

Question. Do you believe there is any greater difficulty for a poor man, an ignorant man, to obtain justice before your courts than there is for people of like condition in other States, in the States of the North, for instance?

Answer. No; I believe that at present our courts and juries are attempting to administer justice with about as much impartiality as is probably done in any of the States.

Question. As any State of the Union?

Answer. That is my opinion. We have, upon the whole, a very fair judiciary; not in every instance the ablest of men, but I think they are honest, fair-minded men, disposed to administer the laws justly. And I think our juries, as a general rule, attempt to administer the laws justly. There are, no doubt, instances, as I think there are in other States, where the law is not faithfully administered, where the verdicts of juries may be warped by considerations, it may be, outside of justice and right. But I cannot say I think that is more generally the case here than in other States.

Question. Was there not a dislocation of the relations of employers and employed in this State, growing out of the destruction of your slave system?

Answer. A great deal of confusion grew out of the destruction of that system, as you must readily see. The old system, as you are aware, was that of master and slave. The termination of the war changed the whole of it at once, and of course threw everything into very great confusion. It has probably been a little remarkable that we have got along as well as we have, everything considered, when we take into consideration that so large a number, very nearly one-half, of our population from being slaves were set free. It is but natural that a great deal of confusion should have been the result of that action, but I am free to say that there has been less of it than I feared.

Question. Is there an adjustment of their relations going on of a just and amicable character?

Answer. I think so. Mutual interest is working out that result gradually, a little slowly, perhaps, but I trust with a great deal of certainty.

Question. Do you believe that within the last eighteen months there has been an amelioration of feeling in the condition of affairs in this State?

Answer. I am satisfied there has been.

Question. Do you believe there is any disposition on the part of those who formerly owned the negroes to impose upon them, or to deprive them of any rights granted them?

Answer. As a general rule, I do not believe there is. There are probably some bad men in our State, as there would be probably everywhere else, who will take advantage of them, cheat them probably, and do them harm. But take our people as a mass, and I do not believe there is any difficulty on that subject.

Question. Could any man in your community so wrong a negro or employé without losing character by it?

Answer. No; he would lose character with all good men by it, because, take our people as a mass, they see the importance of making the best of the situation they can, and of making the colored people the best laborers they can; and in order to secure their confidence and to retain them in the field as laborers, they must treat them justly. I think the mass of our people very strongly disapprobate the course of the man who will cheat and swindle them and do them wrong.

Question. On the other hand, are the negroes themselves disposed to be delinquent at times in their dealings with those who employ them?

Answer. A great many of them are.

Question. Is there not a great deal of trouble with them in that way?

Answer. There are good people among them who regard their contracts, and are disposed to do justly. Among them, as a race, having been recently emancipated from a condition of slavery, there is, of course, a great deal of moral delinquency, and there are many of them who cannot be relied on.

Question. I suppose there is a great deal of trouble among them at times growing out of the characteristics you have mentioned?

Answer. Yes, sir.

Question. You say there have been some crimes of violence committed throughout the State?

Answer. Yes, sir; I have frequently heard of such.

Question. Do you know whether there have been crimes committed by parties in disguise?

Answer. That is the common report; I do not know it personally.

Question. There has been a case brought before this committee of a man from your region of the State, named James McCoy. Do you know him personally?

Answer. Yes, sir; I have known him personally twenty-odd years; I formerly resided in Cherokee County, within a few miles of him.

Question. Do you recollect the general circumstances of the destruction of his property?

Answer. I have no personal knowledge whatever upon that subject; I can only give the common reports.

Question. I mean such reports as you believe to be reliable.

Answer. I have heard statements in reference to it by gentlemen of that county whom I regard to be entirely reliable. The reports I have heard were that there was being practiced there, as there unfortunately is in many other places in our State, a great deal of illegal distillation; and probably Mr. McCoy had reported some of his neighbors for distilling, and they gathered together a band at night, and in disguise went and burned his house, probably offered some indignity to him and to his family, though I think that amounted not to a great deal, nothing more than the burning of the house. But I never understood that politics had anything to do with it. I think his house was burned on account of having informed against them as violators of the law in the matter of illegal distillation.

Question. Is it supposed that the persons who burned his house were those who lived around him and engaged in that business?

Answer. That was the popular idea in the county.

Question. Is it supposed that his assailants were confined to any political party?

Answer. I think not. I know the section very well, and the people very well. The immediate district where Mr. McCoy lived was a very strongly Union district at the commencement of the war, and since the war it has been about the strongest republican portion of the county of Cherokee, I think.

Question. His neighbors are generally men of that party?

Answer. I think I may say that the larger portion of his neighbors were original Union men before secession, and probably a majority of them have acted with the republican party since the war. In a word, I do not think that Mr. McCoy's case had any sort of connection with politics.

Question. You say that this illegal distilling is unfortunately too frequent throughout your State?

Answer. That I believe to be so, judging from the reports I hear of the number of persons engaged in it, and from the number bound over and on trial before the United States courts for violations of the revenue laws.

Question. Have you any knowledge or belief respecting the organization of bands for the purpose of protecting that trade, that illegal traffic?

Answer. The common report is that, in the mountainous section, where this traffic is carried on to a great extent, there have been bands for the protection of each other.

Question. Do they resort to disguises?

Answer. The reports I have heard are that they have probably some men employed in some sections to watch out for revenue officers, or anybody coming in the section; and it is understood that a revenue officer's life is not very secure if he goes among them. I think in some sections the revenue officers do not often venture.

Question. Do these bands themselves punish informers against them?

Answer. It is the report that they frequently do.

Question. There have been many cases brought before us, from various parts of the State, of cruel and frequent whippings of negroes and others; some from that section of the State. The question seems to be to discover the motive, in part, for such conduct. I desire to ask you whether you consider that many of these cases were caused by a desire to keep this traffic secret, and to punish those who informed against them?

Answer. Judging from reports, my opinion is that there are cases of that character; I could not say that anything like all of them were of that character, for I do not believe it.

Question. Do you believe that the disposition of your people, and of your courts and your jurors, would be to punish those offenders if they were brought before them?

Answer. Yes, sir, I believe that is the general disposition of the courts and juries.

Question. You have been a practising lawyer and also a judge?

Answer. Yes, sir.

Question. You have enjoyed high judicial station in this State. I will ask you whether you believe that the people of Georgia are disposed, through their courts and juries, to deny justice to any man with reference to his color or his politics?

Answer. No, sir; take our people as a mass, and I do not believe they are so disposed.

Question. Do you believe an equal degree of justice could be secured here for the poor and humble as in any other portion of the country?

Answer. Yes, sir; I believe that in every State of the Union men who have influence and capital very often have the advantage in their litigations before the courts; but,

as a general rule, I know no reason why justice could not be as faithfully administered here as it can be in your State, or in any other State of the Union.

Question. Do you believe that any degree of the lawlessness which exists in your State is owing to the soreness of the people on account of the exclusion of many of their leading citizens from the right to participate in their political government?

Answer. I believe the disfranchisement of our leading men here has had a great deal to do with keeping up the irrifation, and that probably a great deal of the disorder has resulted from that cause. In other words, I believe that if there had been no such disfranchisement or disability put upon the leaders here, reconstruction would have been accepted long since, and we would have had peace much earlier.

Question. In your opinion what would be the effect of a general measure of amnesty by the United States Government?

Answer. In my judgment it is the very wisest thing that could be done for the peace of the southern country.

Question. And do you believe that the withholding of amnesty is the cause of a great deal of the present restlessness and discontent?

Answer. It has caused many of our leading men, who might not have much influence with the people, to be regarded as victims, as martyrs, and therefore it frequently excites public sympathy in their favor that they would not have if they were not under the ban, as it is usually called; I have no doubt of it.

Question. In your opinion such a measure would be highly beneficial to the peace of the State?

Answer. Not only to the peace of Georgia, but to the peace of the whole South, for it would be one of the wisest steps Congress could take for the restoration of kindly feeling. It would do very much to diminish the influence which many of the leaders now have, merely to set them free and leave them before the people to take their chances, for they would no longer be regarded as martyrs to the southern cause, and many of them would have much less influence than they now have.

Question. In regard to the immigration of men from Northern States among you, do you believe there would be a general welcome extended by the people of Georgia to respectable men from all parts of the country who designed to incorporate themselves with your political community and to identify themselves with the interests of the State?

Answer. Where a man comes here intending to make a good citizen, and is quiet and orderly himself, does not set himself up as a politician as soon as he comes, I think he is generally welcome. I think it is probably the desire of nine-tenths of the white people of Georgia that such people should come here, and they desire to extend to them a welcome. I think the feeling in that particular is much more favorable now than it was a few years ago. There was a period here, about the time of the presidential election, and probably for a year after the reconstruction acts were first passed, when there was a great deal of social ostracism in the State. But I think that is now dying out very fast.

Question. You think there has been an amelioration in that respect?

Answer. I feel very sure there has been.

Question. Is there any discrimination against a northern man because of his place of birth, irrespective of his political opinions?

Answer. No, I think not generally. There might be particular localities where there would be such a discrimination, especially if a man of northern birth came here and took an active part in politics.

Question. Who did so immediately on his coming here?

Answer. Yes, sir, immediately on his coming here; they would regard him as a carpet-bagger, as they generally say; that is, one who had come here to seek office. Such a person they would treat with disfavor.

Question. Would there be any greater discrimination against him than there would be against a southern man, one identified with the southern cause in the late war, should he go to the Northern States and commence instantly to impress upon the people there the southern view of the question?

Answer. I do not know what the effect would be upon your people in the North; I should suppose the effect would be about the same, but I cannot say, for I have no personal knowledge how they are treated in the North.

Question. Do you believe that a man can come from the North into the State of Georgia, settle himself among your people in any pursuit or profession, and enjoy his political opinions, with a reasonable expression of them, without hinderance or danger?

Answer. Yes, I believe he can, in the present state of our society.

Question. And I understand you to say that your people desire immigration?

Answer. I have said I think nine-tenths of them are very anxious to see it; that is, the immigration of orderly people, citizens who come here with the view of settling among us and making themselves useful members of society.

Question. Do you consider that in the last eighteen months the progress of Georgia in the recuperation of her industries and of her fortunes, shattered by the war, has

been impeded or retarded by the threat of interference by Federal power, or, in many cases, by its actual interference?

Answer. I am not certain that I gather the drift of your question.

Question. The reporter will read the question to you from his notes.

[The question was read.]

Answer. I think that our whole second reconstruction here was very unfortunate for our people; it engendered a great deal of bad feeling that was unnecessary. If the plan of reconstruction had not been changed, I think we would have been better off to-day than we are. By the second reconstruction, and I mean by that the reconstruction when the legislature was reorganized, at the time that Mr. Harris presided over the general assembly, when there was what is called the purging of the general assembly by military interference—I think that had a very bad influence on the State, and did a great deal of harm.

Question. What would be the effect of the withdrawal from the State of Georgia of the United States military and the relegation of the sole control of her domestic affairs into the hands of her own people?

Answer. If Congress would pass a bill providing for universal amnesty, and withdraw the military entirely from the State, I believe it might safely be done, and that we could take care of ourselves and administer our laws as well as you can do it in your State.

Question. What would be the effect upon personal safety and comfort and upon the constitutional rights in all respects of the minority in your State, supposing that minority to consist of the colored people and the white republicans who have acted with them?

Answer. They would be as safe as minorities generally are in any of the States. I think there is probably less regard for the rights of minorities than there once was.

Question. So far as the individual rights of the parties were concerned, that is to say, the rights of persons and of property, in your opinion, would they be secure in such a condition of facts?

Answer. Well, I think I have substantially answered that question a time or two already.

Question. Pardon me if I repeat my questions somewhat, because I desire your answers to be full enough to give all your views.

Answer. I do not know that I could add to what I have already said on that subject anything that would enlighten you further.

Question. You were a slaveholder?

Answer. Yes, sir.

Question. You have been among these people constantly, and have witnessed the effect of negro testimony in courts of justice?

Answer. I practiced law but a short time after negro testimony was admitted.

Question. I want to ask you, from your acquaintance with the colored race, whether it has been of sufficiently long standing to enable you to speak in regard to them?

Answer. I was raised in the midst of the old system here, and became a slaveholder when I commenced housekeeping, and I was such up to the end of the war.

Question. What is your opinion as to the reliability or otherwise of negro testimony, where they have any object or interest in the matter of which they speak?

Answer. Well, take them as a race, with regard to the situation in which they are placed here, with the moral culture they have had, with all their surroundings, I do not think they are as reliable as our own race, though there are many of them who I believe would tell the truth under oath as scrupulously as anybody would.

Question. Taking the class of negroes who have been field-hands, what weight would you attach generally to the testimony of that class?

Answer. Generally, they have not the same sense of the obligations of an oath that the white people have, in my opinion, and for the reason, as I have told you, that they have not had the same moral culture; they have been brought up differently; they have had no civil rights heretofore, and moral obligations have not been so much impressed upon them.

Question. Then, without regard to the causes, which no doubt you have correctly stated, the fact still remains that their sense of moral obligation is inferior to that of the other race, and, therefore, their testimony less reliable?

Answer. I believe that to be so in regard to a large portion of them, but I have seen them testify in the courts, I will add, when I have had no doubt that they told the truth, and where such was the case, I think the juries have weighed their testimony.

Question. That is to be judged by the demeanor of the witness and by corroborating circumstances?

Answer. In the cross-examination by the attorneys the testimony is apt to be brought out in such a way that the by-standers can look on and tell pretty nearly whether they are telling the truth, especially if they are experienced, as attorneys generally are, and as intelligent jurors generally are.

Question. In such cases, where there is reasonable ground, they obtain credence?

Answer. I have not seen it otherwise in court. And while upon the supreme bench I heard very little complaint by members of the bar, in arguing cases there, where everything goes on the record, of jurors having done injustice on account of the color of the witness.

Question. You believe that black men can obtain justice in this State from your juries and courts as constituted?

Answer. As I have stated repeatedly, I believe they can, as a general rule.

Question. As much so as the poorer classes of men obtain justice in communities further north?

Answer. Well, sir, I do not know whether as much so; there are exceptions everywhere; whether those exceptions may be more frequent here than they are North I am not prepared to say.

Question. Is not the feeling of the old master toward his former slave that of kindness and interest?

Answer. So far as I have seen, there is a general feeling of kindness toward them, such as I think many northern men cannot appreciate. They were raised in our households, many of them were our family servants, and they meet us kindly and we meet them kindly, and there is a feeling of actual friendship existing between us.

Question. Is that a rule throughout Georgia?

Answer. I think that is the general rule in all the southern country. There are exceptions to it, as to all other rules. There were some cruel masters, fewer, however, than the northern people generally believe, and there were some very bad negroes. But, take it as a whole, I think the rule I have stated is the correct one.

Question. Then the injustice to negroes in your midst is apt to proceed from other classes than those who formerly owned and controlled them?

Answer. Yes; if injustice is committed, it is very likely to be. I have heard of scarcely any disturbance between the old master and the old servant. And I might add, also, though it is probably going a little outside of the object of this examination, that, in my opinion, if the whole people of the South had risen up at once and accepted the reconstruction acts, without making any resistance to them, the old masters, the friends of the colored people here, would have voted, two-thirds of them, against any organization you could have made not acceptable to the white people.

Question. Was there not an organization made to the contrary in the name of the Union League?

Answer. The Union League existed here, as I understand; I never was a member of it; and I presume white men and colored men belonged to it. The object, no doubt, was to control the colored people.

Question. Was it not an oath-bound, secret organization?

Answer. That was the charge; I do not know whether it was or not.

Question. And for political purposes, you have understood?

Answer. That was the general understanding, that such a league existed here for political purposes.

Question. Did it extend through the State?

Answer. That I do not know, only as common report was. It was said that it had its branches in different parts of the State. I suppose not in every county, but probably in various parts of the State.

Question. Do you know of any political organization hostile to the Government of the United States, or contemplating any resistance to it in any way?

Answer. At present?

Question. Yes, sir; at this time.

Answer. I do not. There are individuals, I believe, in the State who would be very glad to see resistance, who might be insane enough to desire to stir it up if they could do so. But I have no idea that one-tenth portion of our people would for a moment countenance anything like resistance to the General Government.

Question. They neither have the disposition nor the thought of it?

Answer. No, sir; I do not think they are disposed to do so. They make many complaints about what they consider their grievances, and the harsh treatment of our people, as they term it, by Congress. But I do not think resistance is contemplated by one in ten; I may safely say by one in fifty.

Question. You used the expression "insane enough;" do you believe any man would be insane who would entertain such an idea?

Answer. It would be what we would term political insanity; he might not be a fit subject for an insane asylum.

Question. It would be absurd?

Answer. Certainly.

Question. Are not the charges that such a disposition or tendency exists among your people equally absurd?

Answer. I think everything connected with the idea of resistance to the Government here is positively absurd.

By the CHAIRMAN:

Question. What has been the general conduct of the colored population since their emancipation?

Answer. Upon the whole, much better than we had any reason to expect.

Question. Take the examples of history, and the general experience of mankind, do you know of an instance where an emancipated and delivered race has been more forebearing and prudent, and self-restrained in the exercise of their newly acquired rights, than the southern negroes?

Answer. I do not think I know a parallel.

Question. Has it not been a denial of all the unfriendly predictions, and of the real fears that were entertained by the people in anticipation of slavery being abolished and the negroes emancipated?

Answer. Yes; it has worked infinitely better than I supposed it was possible it could work.

Question. You have spoken of the relation between the negro and his former master. What has been your observation of his disposition to retaliate or revenge any of his imagined wrongs or injuries?

Answer. I do not think the negroes are a revengeful people, and I have seen very little, if any, disposition to avenge old wrongs. They seem to have buried them with the slavery from which they were emancipated.

Question. Have you seen anything in the conduct of the colored race to indicate that they desired anything more than fair play and an equal chance?

Answer. No; I cannot say that I have. They desire equal political and civil rights; give them those, and fair play, and I believe the most of them are content. There may be, and are, I suppose, some restless, bad ones among them who would not be content.

Question. The exception proverbially proves the rule?

Answer. Yes, sir; I speak of them as a mass.

Question. How has it been on the other side, with the white people; how large a portion of them are willing to give them an equal chance and fair play?

Answer. Well, the great mass of the white people of Georgia were very much opposed to giving them equal political rights.

Question. Something has been said in regard to the matter of labor. State whether there was or was not a disposition to compel them to labor upon some terms or other; whether there was a willingness that the negro should exercise his own volition, when to work, for whom to work, for what wages to work, or whether to work at all?

Answer. Taking them as a very large class, emancipated suddenly and thrown among us, it was very essential that we should do all that was possible to cause them to engage in labor, and not turn to idleness and dissipation, and thieving, which I might say would have been the result. Therefore, all has been done that could be done to induce them to labor.

Question. Is it not very undesirable for any people, white or colored, to live in idleness and vagabondage?

Answer. Surely it is. But you can very readily see why we apprehended more of that from them than we did from the white people, because heretofore they have always lived under the control of somebody to direct them; and being turned loose at once, without a master or guardian, it naturally became an object of solicitude on our part what we should do. And it was very natural that we should do all that was possible to direct them in such a channel as would secure their labor to the State and for their own support, otherwise our jails and almshouses must have been filled with them.

Question. You have observed whether or not they have congregated in town a great deal more than formerly?

Answer. Yes, sir; I think they have.

Question. Do you know why that is so, whether from choice, or because they do not feel safe in the rural parts of the State?

Answer. As a general rule, I think it has been entirely a matter of choice; they prefer the town; they want to be where they can see all the shows and sights that are to be seen; they have a natural curiosity of that sort; they prefer to congregate together; they greatly prefer a city or town to the country, as a general rule.

Question. Do you know whether they desire to work land or to own land themselves?

Answer. Some of them have purchased land. There has been a great deal said among them about ownership, though, upon the whole, they are rather an improvident people; they do not save their money or invest it as well as they probably ought to do. However, I hear of one occasionally who purchased land and is doing well.

Question. Has there been any disinclination on the part of your people to let them become land-holders?

Answer. I cannot say there has been. I think the disposition is rather to encourage them to save their means and so invest it.

Question. Is it not true that men who depend upon their manual labor, especially when that labor is unskilled, always find it difficult to climb up, everywhere, among *all people*?

Answer. Yes, sir.

Question. Have you observed whether the family relation has been organized among them since the war to any considerable extent?

Answer. I do not know that there has been a great deal of change in that regard since the war.

Question. I mean since their emancipation?

Answer. I understand you. They had families before the war; they were married by their own preachers, and they regarded it among themselves as a proper marriage. Since the change, of course they have to be married as white people are, by the proper authority. They have their family relations, I presume, very much as they usually have them.

Question. Before the war did those who were married live together, or would one be upon one plantation and one upon another?

Answer. There was no general rule on that subject. One master might own the husband, and another, on an adjoining or some other plantation, might own the wife. In that case, the husband, living upon the plantation of his own master, on certain nights of the week, generally went to see his wife. But in a great many instances the husband and wife lived together on the same plantation. And it was generally for the interest of the planter to encourage that; very often the planter would buy the wife or husband of his servant, where he could do so at a reasonable price, if he had the means to do it.

Question. Under your laws, as they stood before emancipation, could a negro legally take a wife?

Answer. No, sir; he could not contract a legal marriage.

Question. Could either a man or woman have children that they had any legal rights in?

Answer. Well, they had no right to inherit.

Question. They could not have children that were not liable to be taken from them even as soon as they were delivered from the mother?

Answer. They had no rights of property, but at the will of the owner.

Question. They had no domestic rights at all?

Answer. Only at the will of the owner.

Question. We have examined a great many cases before us; we have had a great many colored men and women, and it has come out quite incidentally, altogether so, that in almost every instance those people who were injured were at home in their own houses, the husband and wife in bed, and very generally with some of their little children beside them. Do you suppose those are exceptional cases, or is that a fair indication of the general mode of living of that population through the country?

Answer. Well, I should say that the majority of them, where they are of proper age, have families, and the husband and wife live together; and I think a majority of them during the time of slavery did so.

Question. You were asked with regard to combinations for the purpose of carrying on illicit distilling in your State, and you expressed the opinion that the attack upon McCoy, in Cherokee County, was made by men who were so engaged. Do you obtain that information from McCoy or any of his friends, or from his enemies?

Answer. I have never conversed with McCoy upon the subject, that I recollect. I am not residing in the county now; I reside in this city; but I have heard reports from some of the best citizens there, who I think had no ill will whatever toward McCoy.

Question. Had his daughters, young girls, in any way made themselves obnoxious to these people, as you understand it?

Answer. I have never heard it charged that they had.

Question. Then why should any cruelty have been practiced upon them?

Answer. Judging from the reports, I think they were very much incensed against McCoy, and were determined to drive him out, and to drive his family away; in other words, they wanted to get rid of him and his family.

Question. Has any effort been made to redress that wrong, or to punish the perpetrators of it?

Answer. I have understood the civil officers there made some efforts to try to find out who were the perpetrators, but were unable to do so.

Question. State whether or not there have been instances within your knowledge, or upon credible information, over a large portion of the State, of men who have been attacked in their own houses at night by bands of disguised men?

Answer. Judging from my information, I think there have been such instances frequently.

Question. Of white men and of colored men?

Answer. Yes, sir; I think there have been instances of both.

Question. So far as your knowledge extends, how generally have the victims been of the republican party?

Answer. Well, really, I am not able to say what has been the average. My own opin-

ion of these outrages is, that politics has had very little to do with them. I will illustrate it in this way: For instance, a negro lives in a neighborhood, and has the character of being a bad man, perhaps is charged with stealing his neighbor's poultry, or sheep, or pigs, or something of that sort. Under the old system the rule was to take him up and whip him. Under the new state of things society has not become very well organized, and there may be some of those who are sufferers who do not care to take the trouble of going to law, who may have taken the law into their own hands, and, with the view of running the offender off, have sometimes gone and whipped him. This sort of organization may have been used against white men, where their characters were not good; probably in other instances it has been used as a means of wreaking a little personal revenge, where some men of influence in the neighborhood had fallen out with each other, and one had those around him whom he could control, and who would go at night and take his enemy out and whip him, while they were in disguise, as a mode of taking that sort of revenge. In some of these ways the most of those instances have occurred.

Question. Have you made it your business to inquire into that, and to inform yourself about it?

Answer. I have not made it my business, but I have heard it talked about.

Question. Have you talked with the victims of these outrages?

Answer. Very seldom.

Question. You have not heard much on that side of the case?

Answer They have seldom come to me and conversed with me.

Question. Why did they not come to you?

Answer. As a general rule, I have had no personal acquaintance with them, and there was no reason why they should seek me out.

Question. You have been a prominent man here; you were governor of the State for a long time; you were for a time chief justice of the supreme court; why should not these parties injured come to you? You have heard of their coming to other prominent gentlemen; they come here to us.

Answer. Well, I was not a Ku-Klux committee, and probably there was no such reason for their coming to me as to you.

Question. They have come to other gentlemen, who were not a Ku-Klux committee, and conferred with them.

Answer. I can give no further reason than, as a general rule, I have had no personal acquaintance with them; most of them are characters with whom I do not associate, and I know of no special reason why they should come to me; at least, they have not sought me.

Question. If all you have suggested was true, you concede that this proceeding was a very great outrage, and a very great offense against law and good order; would you not?

Answer. It certainly is, and it meets with my most unqualified condemnation, and should meet with that of every good citizen; I think, as a general rule, it does meet the condemnation of the better part of our society.

Question. Have you ever heard of anybody being punished for any of these offenses? If so, who, and how many have been?

Answer. Yes, sir; I have heard of a few instances. One of the great difficulties about their punishment probably is that it is very hard to detect them. In the country these bands of bad men go to the house of a family at night, in entire disguise, perpetrate an outrage, and then leave.

Question. If they are recognized and attempted to be brought to trial, do they not generally find it very easy to prove an *alibi*?

Answer. In many instances persons who have been brought up charged with these offenses have proved an *alibi*.

Question. Has not that been a general, if not a universal, line of defense?

Answer. It has been a very frequent line of defense.

Question. Has there been any attempt to gainsay or controvert the main fact, if I may say so, the *corpus delicti*?

Answer. I do not know that I ever heard of an instance where a man came in and admitted that he was one of the perpetrators and attempted to controvert it.

Question. No; you do not understand me. Have they attempted to controvert the main fact that the party was injured in the manner alleged?

Answer. I do not know that they have. There was an instance, may be, about six months ago, in Bartow County, where some parties were convicted for an injury of that character before Judge Parrott, I think, and sentenced to the penalties of the law.

Question. What has been the tone of the democratic press of this State on the subject of these alleged Ku-Klux acts of violence?

Answer. I think they have not condemned them in the unmeasured terms they should have done, by any means; certainly not many of them have.

Question. Have they not almost invariably, in the first place, denied that the cases existed, and, in the next place, denounced every effort made to bring the perpetrators to justice?

Answer. Very often I have seen articles in the papers denying that the statements were as they were first put forth. I do not remember, though, that it has been anything like a rule to denounce those who attempted to bring the perpetrators to justice; I think it has not been so. But I think many of them have not spoken out in the unmeasured terms of condemnation that they ought to have done.

Question. A theory has been suggested before us, that these acts have been in part the acts of republicans upon each other in order to produce political effect in the North; that they have been whipping and killing each other to make political victims.

Answer. I do not believe that.

Question. You have been asked some questions upon the subject of amnesty. I will ask you to follow that subject a little further, and say whether, in your opinion, it would be better to pass an act of general, unlimited, unqualified, and unsought amnesty, or to make provisions by which any man who desired it, and who would renew his allegiance to the Government of the United States, and pledge himself to support its Constitution, should be able to obtain amnesty upon personal application, for example, in the Federal court; which do you think the better way?

Answer. My opinion as a private citizen is a matter of but little consequence on this subject.

Question. Your opinion has been asked.

Answer. My opinion is very decided that the wisest thing that the Congress of the United States could do upon this subject is to pass a general act sweeping from the statute-book every disability of every character. Let it be general, unlimited, and unqualified.

Question. Have not some men whose disabilities have been removed, unsought by themselves, at the instance of others, turned around and very contemptuously and disdainfully, and with the most offensive expressions, denied that they ever asked any amnesty, or ever wanted it, substantially spitting upon the men who have granted it?

Answer. If I have heard of any such instances I do not now recollect it. I have heard of one or two instances of persons who were relieved who said afterwards they did not need it; that they were not under disabilities; but I have not heard of such instances as you indicate. In fact, as a general rule, they would be very glad to get the relief. There are probably very few, if any, exceptions to this rule.

Question. You were granted amnesty at a very early period, were you not?

Answer. Yes, sir; I believe among the earliest. There was a number of names in the bill that my name was in.

Question. You have been questioned with reference to immigrants into your State, and you say that nine-tenths of your people are in favor of it. How is it with the other tenth?

Answer. I think there are individuals here and there opposed to it; I have heard some argue that we did not need it; that it was better to keep the State as it is, with a sparse population; that we would have the control of our own matters, and, upon the whole, would be better off not to undertake to fill up the State by inviting population from abroad anywhere.

Question. There is a provision in the Constitution which gives to the citizens of one State all the privileges and immunities of citizens in the other States. How far do you believe that, as a matter of fact and practice, has been exercised and carried out in Georgia, and is to-day?

Answer. So far as the right of citizenship is concerned under that clause of the Constitution, I know of no violation of it. As I have said to you, there was a period when I think there was a great deal of social ostracism; but as to the denial of rights of citizenship under the Constitution I am not aware of it.

Question. "Privileges and immunities" is the phrase employed in the Constitution.

Answer. So I am aware; that refers of course to legal privileges and immunities, and I am not aware that they have been denied.

Question. I am not speaking of the letter of the law, or as a technical question; but I am speaking of the manner in which people are received and permitted to pass and repass.

Answer. Well, I do not think that provision of the Constitution has anything whatever to do with the question about which I am talking. I say to you that there was a period when they were not well received, not socially well treated in many localities, but I do not know that social recognition falls under the provision of the Constitution to which you refer as a privilege, or an immunity.

Question. I am speaking of the spirit of the Constitution, which evidently is that an American citizen shall have all the rights and privileges of citizenship in every State, just as much so as though he were born there; that it shall be something more than the mere letter of the law—that it shall be a matter of actual fact; that he shall not be questioned, either as a candidate for office or in any other way, by reason of the fact that he was not a native of the State where he then is. That is the spirit of the thing; the letter is what you say.

Answer. I do not understand that the spirit of the Constitution has anything whatever to do with regulating the social status, or the social relations of individuals.

Question. I am speaking of political relations and civil rights.

Answer. Well, I have already said I believe they have had the same political rights that our own citizens have had, but not the same social attention.

Question. Have men of northern birth ever had the same standing in the State of Georgia, or do they have to-day, irrespective of every other consideration, as men who were born in what are called the Southern States?

Answer. That has depended upon their conduct. I know many northern men in Georgia who have been received as kindly and treated as well, and who have as many rights and as much social attention as other people. I think that, probably, as a general rule, everything being equal, our own people have been preferred to the people of Northern States, or of any other State, just as I think, everything else being equal, as a general rule, a northern man is preferred at home.

Question. Do you think the fact is that way?

Answer. I state I think that has been the condition of things here.

Question. Do you know the judges of the Supreme Court of the United States; I mean their personal antecedents?

Answer. I am not familiar with the antecedents of all of them; I have had the pleasure of meeting some of those gentlemen, but I am not personally acquainted with all of them.

Question. Take first those who have been appointed under republican auspices, from the North, begining with Judge Davis; do you know of what State he is a native?

Answer. No, sir; I do not know the nativity of those judges.

Question. Or of Judge Swayne or Judge Miller?

Answer. I have never looked into that; I have never read the biography of either of them, that I remember.

Question. I did not know that; I thought possibly you might have done it.

Answer. I will state, however, while we are upon that subject, that two of the judges of the supreme court of Georgia are northern men, and one is an Irishman; one is a New Englander, one is a Pennsylvanian, and one a native of Ireland. We have no native of Georgia on the supreme bench to-day.

Question. Can you assign any reason why a man should not be entitled to the same confidence, everything else being equal, who was born in Indiana as a man born in Arkansas?

Answer. I do not know of any reason; but I have given you a pretty good illustration, in the case of our supreme court, that we treat them so here.

Question. It is proper to say that your courts have been somewhat criticised in the presence of this committee; not by me, however.

Answer. I know nothing about the criticisms upon them in presence of the committee. My opinion is that our judges, as a whole, are men who desire to do right, and who attempt to administer the law faithfully.

Question. You have spoken of social ostracism. Please state whether any of your prominent men have publicly, and in a speech to the people, recommended that the wives of radicals, as they are called, should quit their husbands and attempt to obtain divorces from them.

Answer. Well, sir; I never heard such a speech. I have heard it said that one of our public men did make such a speech.

Question. And there has been, you say, a vast amount of social ostracism?

Answer. Yes, sir; there has been a great deal of it in the State, much more than there now is.

Question. You referred to what you call the second reconstruction; you refer to the act of Congress, I suppose, under which the negro members of the legislature were reseated in the two houses of that body?

Answer. Yes, sir; and the subsequent acts in relation to that subject.

Question. Shall I understand you as expressing the opinion that it would be better to have let matters go as they were before that, after the colored members had been expelled and their places supplied by their unsuccessful opponents at the polls?

Answer. Well, I think it was an error at the time, and under the circumstances, for the legislature to expel the colored members, but I believe that matter would have adjusted itself at the next election with a great deal less of turmoil and difficulty in the State, if Congress had not taken hold of it at all.

Question. Do you mean to say by that, the colored men would have been in fact reseated by the people if the matter had been left to them?

Answer. I think after another election, if they were elected to office again, that question would not likely have been raised. There was a very high political excitement and a great deal of anger and bitter feeling at the time of their expulsion. But let me say that I referred more particularly to the action here of reorganizing the body by expelling white members than I did to the reseating of the colored members.

Question. White members that were subject to the third section of the fourteenth amendment to the Constitution?

Answer. Who were alleged at the time to be subject to it; I think some were unjustly expelled, and a great deal of feeling grew out of it.

Question. Have the prominent colored men, those that are recognized among their own people as leaders, conferred much with you, or admitted you to their counsels?

Answer. They have frequently conferred with me on matters of interest to them and their race, and I have always tried to advise them the best I knew how.

Question. Do you think you have their views and opinions?

Answer. I think I understand pretty well the views and opinions of a number of their leading men.

Question. Do you know enough of the race to know that confidence with them, especially in white men, is a plant of peculiarly slow growth?

Answer. Rather so, I think.

Question. Do you think you have their confidence so that they would confer with you as they might do with some others?

Answer. I do not suppose I have it to as unlimited an extent as some others have, though on the questions which interest them those who are members of the legislature have frequently met and conferred with me.

Question. You have said that you thought there was no disposition to resist the Federal Government, excepting on the part of certain men. In your opinion, are those men leading, prominent men, or do they so regard themselves?

Answer. I think there may be a few of our leading men who are rather reckless, who would not think it a misfortune if there were a state of things in which the Federal Government could be successfully resisted; but I do not think there are many such men.

Question. Have you credible information that quite a number of your prominent and leading men connected with the press, with the legislature, or otherwise, would, if they had it in their power, abrogate and nullify the three recent amendments to the Constitution known as the thirteenth, fourteenth, and fifteenth amendments?

Answer. I do not think I have noticed much disposition among any of them to interfere with the thirteenth amendment; I believe they generally admit the obligation of that amendment. I am very frank to admit that they attempt to draw a distinction between the obligation of that amendment and the fourteenth and fifteenth amendments. I think there are leading men in Georgia who, if they had it in their power, would at once abrogate the fourteenth and fifteenth amendments.

Question. Have they not a pretty large following?

Answer. Well, they have their followers, of course; I do not think, though, that their followers constitute anything like a majority of the people of Georgia. I believe to-day, taking white and colored together, a large majority of the people of Georgia are in favor of acquiescing in what has been done, ceasing the agitation and abiding by the amendments, and recognizing them as the laws of the land.

By Mr. SCOFIELD:

Question. If the Federal Government should remain as it is now, in the hands of men who were determined to enforce the recent amendments to the Constitution, and the control of any number of the late Confederate States should fall into the hands of men who wish to ignore or evade those amendments, and each side should persist in their efforts, the one to execute and enforce, and the other to ignore and evade, would it not, very likely, bring on a collision?

Answer. I do not think the people in any one of the Southern States would follow those rash leaders to the extent of a collision, in any case. When I say I think a considerable party of them would gladly get rid of those amendments, I think the more thoughtful, even of that party, would never advocate the policy of resistance and of collision with the Federal Government in order to get rid of them. The amendments are very distasteful to them, and they would adopt any peaceful means they could to get rid of them, but I do not think they would hazard a collision with the Government.

By Mr. LANSING:

Question. You have spoken of the object of these raids and outrages upon the colored people. From what you have known or heard do you understand that one object is, to get rid of the negro as a competing laborer?

Answer. No, sir, I could not say I know, though I say to you I think there are among our laboring white men many persons who would be very glad to be rid of them as competing laborers. That object is not the general one prompting these raids and outrages, as you term them, but there are such persons, I have no doubt.

Question. Is not the want of a sense of moral obligation, of which you have spoken, on the part of the negroes a result very largely of their previous condition of servitude and lack of education and instruction?

Answer. Yes, sir, very largely so.

Question. Was the education of the slave permitted by law in Georgia?

Answer. It was prohibited by law; I mean by the education of the slave the teaching of him to read and write, especially to write; that was prohibited by law.

Question. What proportion of your whites out of your cities are able to read and write?

Answer. I do not remember the statistics, and I am not able to answer; there is a very considerable proportion, though, who cannot.

Question. How do the negroes, as to their credibility as witnesses and their general moral sense, compare with the uneducated poor whites?

Answer. The uneducated poor whites, having been raised and trained as they have, with the privilege of association with the more educated classes, which privilege the negroes have not had, I think have much more sense of the obligation of an oath than a like uneducated class of colored people have.

Question. Would they not also have more will and desperation to evade punishment when charged with Ku-Klux raids?

Answer. Well, I think it probable they might.

Question. And they would make bolder perjurers?

Answer. I do not know about being bolder perjurers; I suppose when a man has made up his mind to commit perjury he is bold enough to do it, whether colored or white.

Question. And a man who has made up his mind to commit a crime would commit perjury to evade the punishment of it?

Answer. No doubt some would.

Question. You say a northern man coming here, and not setting himself up as a politician, would be well received?

Answer. Yes, sir, as a general rule. There may be some localities where he would be subject to some prejudices, but I think I may say that in Georgia, with the greater number of our people, he would be well received.

Question. Would there be any difference in the reception and treatment of a northern man who came here, if he set himself up as a democratic politician, and one who should be active as a republican politician?

Answer. If he set himself up as a democratic politician, of course he would be better received by the democracy, who, in the main, are the white people; they would feel more kindly towards him than they would if he were a republican politician.

Question. So that the answer to the question is that there would be a difference?

Answer. I have answered it as I desired to.

By Mr. BAYARD:

Question. You have been asked about northern men and their reception in Georgia. I will ask you if there is now, or ever was, a name in Georgia more endeared to the hearts of her people than that of Nathaniel Greene, of Rhode Island?

Answer. No, sir, I do not think there is any man more endeared to the people of Georgia.

Question. You have been asked about your relations to the colored people. I will ask you whether they have not always been friendly?

Answer. My own relations to them?

Question. Yes.

Answer. They always have been.

Question. Have you not a large circle of friends among the colored people?

Answer. I believe I have, among the better class of them.

Question. Have you reason to believe they look up to you with respect and confidence?

Answer. Yes, sir, I believe they do; I do not know an instance of one of my old servants who does not meet me with the utmost kindness and cordiality, and who does not frequently come to me for counsel.

Question. Does that extend to others whom you did not originally own?

Answer. Yes, sir.

Question. Have you known personally any one of these cases of outrage upon colored people?

Answer. I have no personal knowledge of any; all I know is from public report and rumor on that subject, though I have no doubt from the rumors I have heard that such cases have occurred.

Question. Among the black people whom you have known, and with whom your relations are those of personal kindness, and who come to you constantly for advice and assistance, has any one brought to you a story of these wrongs?

Answer. Not of personal wrongs to himself. I think, as a general rule, those personal wrongs have been toward what might be called the lower and more vicious class. There may have been some instances, however, I think I have heard of them, where they have been toward the more intelligent and the better class of negroes. During the period or about the time of the presidential election, I am not prepared to say that there might not have been some of those instances with which politics then had something to do; I think it likely that was the case.

Question. As a cause for some of this lawlessness, has there not been a feeling of insecurity in society, growing out of the frequent pardons of convicted offenders?

Answer. There has been a great deal of complaint of the frequency with which the governor has pardoned criminals who were convicted; and I have heard that assigned *as a reason,* in some instances as a mitigation, of these outrages—that is, if the per-

sons so outraged were tried and convicted they would be turned loose again by executive pardon.

Question. Was there not a current opinion, a current sentiment, among the people that if men awaited the punishment of criminals by the due course of law it would all be rendered useless by the exercise of the executive power of pardon?

Answer. In many localities, where these pardons have turned loose some notorious offenders, I think such a feeling has been very prevalent.

Answer. Have there not been cases where men have been pardoned before conviction, or before trial?

Answer. Yes, sir.

Question. Was that a custom in your State formerly?

Answer. It never was; but our present constitution differs from the former constitutions upon that subject, and I am not prepared to say that our present governor has not that power. But prior to the present constitution the governor had no such power.

Question. And that power has been exercised?

Answer. Yes, sir. I have heard of one or more instances where it has been exercised.

Question. Has it not been accompanied with the offer of large rewards for the apprehension and conviction of criminals?

Answer. Yes, sir; the rewards have been unusually large.

Question. Were they unprecedented in the history of your State in their number and amount?

Answer. Yes, sir.

Question. Have you known cases where these heavy rewards were offered, were followed by apprehension and conviction of the criminals, and those criminals were afterward pardoned?

Answer. I have heard that there were such instances; I cannot say that I know it.

Question. Has not such a case been reported in your supreme court, and an opinion delivered by Judge McCoy upon the subject?

Answer. I do not remember. There are a number of cases reported in the supreme court decisions, but I do not remember whether there is a case there of a criminal who had been brought to trial and received the reward offered by the governor; there may be such a case.

Question. You have been asked the abstract question whether a man who is wicked enough to commit such crimes as that of assaulting black people at night, and whipping them cruelly, and otherwise injuring them, would not be quite capable of perjuring himself in order to escape the consequences of his guilt; you have answered very naturally that he certainly would have been. I will ask you whether in this State your law enables men under indictment to testify in their own behalf?

Answer. No, sir; not to testify in their own behalf when under indictment; but it authorizes them to make a statement, not under oath, to go to the jury.

Question. Is it not the case the world over that a man is allowed to make his statement when he desires to do so?

Answer. That is a late provision of our statute, and I think it probably gives it a little more sanction than it formerly had.

Question. A man was permitted simply to make a verbal statement?

Answer. He is not required to make it under oath.

Question. I mean that your criminals are not allowed to become witnesses in their own behalf?

Answer. Not in the legal sense of the term.

Question. You have mentioned the case tried before Judge Parrott, in Bartow County, where the parties on trial in that case were convicted and sentenced.

Answer. So I understood.

Question. What was their offense?

Answer. It was for killing a negro at night, I think.

Question. Were they in disguise?

Answer. I understood so; I did not hear the trial, and I only speak from report; I have not seen any of the papers. Judge Parrott is in the city, and I prefer that you examine him on that point.

Question. Have the people of Georgia generally been hard at work and doing their best in the last few years to restore the industries of the State?

Answer. Yes, sir; as a people they have.

By Mr. SCOFIELD:

Question. We have been told that this conviction you spoke of was produced by the large rewards offered by the governor, and that the large rewards offered by him in many other cases of which you speak were to bring to punishment similar offenses alleged to have been committed by the Ku-Klux, and that they have failed to bring persons to punishment and conviction in almost every case, therefore the reward has never been paid. I wish to inquire of you how far this information is correct.

Answer. I have no personal knowledge on that subject. I have very frequently seen the governor's proclamations as published in the newspapers, and I have heard of frequent arrests being made, probably, in other States, under requisition from the executive, and the parties brought back and put on trial. I have heard, in some instances, of some of them being convicted, and of some of them being acquitted. I could not say in how many cases there have been convictions or acqittals.

Question. We have been told that notwithstanding the governor has offered rewards, and done all he could to bring these men to justice, they were so well disguised and so numerous that, either from a failure to discover the parties, or from *alibis* alleged or partly proved, or from the sympathy of some of the officials for the offenses committed, they have almost always escaped.

Answer. My opinion on that subject, from all the information I have, is that arrests have been more frequent under the proclamations offering these heavy rewards than they were formerly, when smaller amounts were offered; for it has incited parties desiring to obtain the rewards to much greater efforts in making the arrests, though they have not by any means been always successful. Prior to the war, when I exercised the executive functions, I frequently offered rewards for persons accused of crime who never were arrested. I think the large rewards offered by the governor have secured more arrests than there would have been had the rewards been smaller.

Question. But the rewards have not been paid?

Answer. I think they generally have been paid.

Question. Well, we have been told——

Answer. One minute, if you please. I do not wish to be understood as saying that I know they have always been paid. There have been rewards occasionally for the apprehension and conviction of parties, and there may have been cases where they have been apprehended, but not convicted, because of insufficient evidence; and in those cases the reward has not been paid. My opinion is, however, that those cases have been few; that in most cases the rewards have been offered and paid by the governor.

Question. We have been told that in one instance he offered a reward for the arrest merely of the parties, and the arrest was made and the reward paid; but the parties were let out from jail. After that the governor made it a condition in all the rewards he offered that the parties should be arrested and convicted, and therefore no rewards have since been paid, because there have been no convictions. Do you know how that is?

Answer. I have not noticed the proclamations with sufficient care to be able to answer whether the governor has in all instances since any particular period incorporated a provision that there must be a conviction; I think that has been probably the shape of most of his proclamations. If you will allow me, I will say that you could probably get at that more readily by looking at the records of the proclamations in the office of the secretary of state, and then at the books of the comptroller and treasurer to see whether the payments have been made.

Question. I expect we will have that information.

Answer. That, of course, will be much more reliable than any statement I can make upon mere information.

Question. Let me ask this: It has occurred to me that possibly these complaints against the governor for pardoning men and for offering rewards were of the same character that I have seen in the newspapers against men who were endeavoring to find out or expose and bring to punishment those who committed these offenses. I very often see in the newspapers denunciation of the means used for that purpose; while not approving the crime they denounce the means employed to expose them, like the investigations of this committee, or similar investigations that are made through the Congress of the United States, and under United States laws. Now, is not the complaint against the governor for rewards and pardons of a corresponding character to those complaints?

Answer. I do not wish to be understood as arraigning the motives of the governor, by any means, in any of his official conduct. I am not speaking of that; but I simply desire to say that his rewards have been unusually large, and his pardons unusually frequent.

By the CHAIRMAN:

Question. Has the governor any other means at his command of prosecuting offenders and seeing them brought to justice, except by offering rewards?

Answer. That is probably the most efficient means the governor can use to secure arrests, making it to the interest of parties to pursue the criminals and bring them back.

Question. Are there not two classes of cases in which the offering of rewards occurs; one where the crime is committed, and where the offender is well known, but has escaped, and a reward is offered for his arrest; another where the character of the crime is known, but the offender is unknown, and there the reward is for developing *the criminal and obtaining* sufficient evidence to establish his criminality?

Answer. Yes, sir; that is so.

Question. I have before me a letter, written within the last two or three days by an Army officer in one of your counties, in which occurs this statement:

"One poor old man from Union County comes to my camp with a most piteous tale. The Ku-Klux raided upon him and his family, dragged them from their beds, whipped and maltreated him and his wife and children almost to the point of death, one of his little sons having since died from the effects of the treatment he received."

If such an offense as this was committed, if you were satisfied that the offense had been committed, would you think a question of dollars and cents should be made in connection with bringing the offenders to justice?

Answer. No, sir; I think all the expenditure necessary should be made to bring them to justice, and when convicted they should be punished, and not pardoned.

By Mr. BAYARD:

Question. Is that the sentiment of the people of Georgia?

Answer. My opinion is that such is the sentiment of a very large majority of the people of Georgia.

By the CHAIRMAN:

Question. On the subject of pardons. I find attached to a letter written by your late governor to Senator Scott, chairman of this joint committee, a statement purporting to be from Mr. Atkinson, secretary of the executive department, on the subject of pardons. I wish you would have the goodness to run your eye over it, and then say whether it is or not, so far as you know, a correct statement.

[The statement referred to is as follows:

"*His Excellency Rufus B. Bullock:*

"GOVERNOR: In compliance with the request of your excellency, I have made a thorough examination of the records of the Executive Department touching the action of the department upon the subject of pardons.

"Prior to your inauguration there was no analytical record kept of cases of this character, and the only information that can be derived on the subject is the copies of orders announcing pardons, scattered through the executive minutes.

"From July 4, 1868, to July 4, 1871, a complete record has been kept, showing in full the application, the evidence, the recommendation, and the executive action in each case. From this I ascertain the following facts:

'There have been during that term of three years pardons for—murder, 41, of which 25 were pardoned before trial; murder commuted, 15; voluntary manslaughter, 24; involuntary manslaughter, 7; assault with intent to murder, 36; burglary in the night-time, 41; burglary in the day-time, 11; simple larceny, 68; larceny from the person, 1; larceny from the house, 14; larceny after a trust has been delegated, 5; other larcenies, 24; assault and battery, 14; assault, 8; assault with intent to commit rape, 5; arson, 5; robbery, 8; stabbing, 3; cheating, 3; swindling, 4; incestuous adultery, 1; bigamy, 6; fornication, 3; adultery, 6; forgery, 4; perjury, 3; seduction, 2; kidnaping, 1; bastardy, 1; rape, 1; bribery, 1; compounding felony, 2; malpractice in office, 1; aiding prisoner to escape, 2; road commissioner for neglect of duty, 8; intermarrying within Levitical degrees of affinity, 1; misdemeanors, 29; contempt of court, 1.

"Upon examination of the official record, I find that in many and in most all of the cases for murder, where a pardon has been granted before trial, the indictments therefor had been found before the late war, and some of them during the war, and that justice demanded executive interposition in behalf of the accused, as, in many instances, some of the most material witnesses on the part of the defense have removed beyond the jurisdiction of the State, and others have died; while in several other instances the State, on account of the absence of some of its most important witnesses, has failed to prosecute the cases after the indictments had been found, and cases of that character were in abeyance on the criminal dockets of the several courts for years, postponed and continued from term to term, greatly to the annoyance and detriment of the accused party or parties. In addition to the meritorious circumstances attending such cases, pardons of that character have generally been most earnestly recommended by the senators and representatives of the districts and counties, together with the most highly respectable citizens of the county or vicinity where the crime was alleged to have been committed, and, in some instances, by the officers of the court in which the indictment was pending.

"Of the 15 cases in which the sentence imposed was commuted from death to imprisonment, 6 were commuted to imprisonment for life, 4 to imprisonment for ten years, 1 to imprisonment for five years, and 4 to imprisonment for one year.

"Of the 24 cases of voluntary manslaughter, for which pardons have been granted, one of the convicts served his full term, and was simply restored to civil rights, while the sentence of three others, on account of the circumstances attending the commis-

sion of the offense, was commuted to one year imprisonment each—the shortest term of punishment prescribed by law.

"I find, upon further examination, that many of the convicts pardoned of the offense of burglary in the night time had served each from four to five years, in pursuance of their respective sentences, which, in every instance, was imprisonment for life, and that all the pardons to that class of convicts were granted since the general assembly, in its wisdom, has deemed proper to alter and amend the statute reducing the punishment for burglary in the night from death or imprisonment for life to imprisonment for a less period.

"In the case of the person pardoned of the offense of incestuous adultery, pardon was recommended by the judge of the superior court before whom the convict was tried, on the ground that he had been sufficiently punished, having nearly served out his full term.

"While several of the pardons granted for the offense of simple larceny were for horse-stealing, yet most of them were in such cases, where by the law the act committed is recognized as a misdemeanor only, for which the punishment generally imposed varied; as, for instance, in some cases, imprisonment in jail, in others imprisonment and a fine, and in others work on the public works and a fine, or, in some cases, all of these punishments, as the judge presiding at the trial, in his discretion, deemed proper. In many of these cases, where the prisoner was too poor to pay the fine imposed, that alone was remitted or reduced to a smaller amount. In many of the cases where pardons were granted for the offenses of assault with intent to murder, assault and battery, stabbing, &c., it was generally upon the recommendation of the prosecutor in the case the party injured by the commission of the offense. Among the 29 cases of misdmeanors for which pardons were issued, I find most of them to be for using opprobrious words, enticing and decoying servants to leave employer, riot, vagrancy, &c.

"As a general thing I find that nearly every one of the persons pardoned served some part of the term of his sentence, and that pardons were only granted upon the solicitation of the most well-known and respectable citizens of the counties from which said convicts were sentenced; while, in many instances, pardons were granted to those only who had nearly completed the term of confinement imposed upon them, upon the recommendations of the officers and lessees of the penitentiary for good behavior, or on account of such physical disability as made them unfit to perform manual labor, and would have, had they been kept in further confinement, probably caused death. Where pardons were granted for good behavior, they took effect one or two days before the expiration of the term of confinement imposed in the sentence of the court.

"Pardons have been refused in the following cases, to wit:

"Murder, 10; manslaughter, 5; assault with intent to murder, 4; burglary, 4; horse-stealing, 3; simple larceny and other larcenies, 8; rape, 2: assaults and assault and battery, 7; riot, 1; forgery, 1; cheating and swindling, 1; perjury, 1; robbery, 2; stabbing, 2; fornication, 1; adultery, 1; bastardy, 1; receiving stolen goods, 1; carrying concealed weapons, 2; playing and betting, 1; and other misdemeanors, 3.

"Very respectfully,

"R. H. ATKINSON,
"*Secretary Executive Department.*"]

Answer. I have not reason to suppose that that is incorrect.

Question. Do you know the number of convicts in your penitentiary?

Answer. I am not able to answer that at present.

Question. Has not the number of convictions been much greater since the war than during your administration as governor?

Answer. I think it has, for society has been more disturbed.

Question. And the number of convicts in the penitentiary would be much greater?

Answer. Yes, sir.

Question. Suppose the pardoning power was exercised upon the same general principles, the number of instances would still be greater since the war than before?

Answer. I should say it would.

Question. We have in evidence before us one case where a negro man found a white man in bed with his wife, and he sought an opportunity and slew him; he was arraigned, tried, convicted, and sentenced to be hanged. The governor commuted the sentence to imprisonment in the penitentiary for life. Do you know anything about that case?

Answer. I do not.

Question. In your judgment would such an act subject the governor to unfavorable criticism?

Answer. I think not.

Question. Do you think the administration of affairs in Georgia since the war, say from the time of reconstruction down to the present time, and the parties concerned in it, have had a fair and candid treatment from the press of the State of Georgia?

Answer. No, sir; I think not. I think no administration now has a fair and candid

treatment on the part of the opposition press in any of the States. I think there are unjust assaults made frequently by the opposition press upon every administration, both State and Federal, democratic and republican.

By Mr. BAYARD:

Question. In every State?

Answer. Yes; in every State.

By the CHAIRMAN:

Question. State whether the tone of the opposition press, as you term it, has not been peculiarly bitter, virulent, and denunciatory.

Answer. Yes, sir; it has, in many instances.

Question. Inclined to make the most of every circumstance or complaint, and to impute improper motives?

Answer. Yes, sir; I think it has. I think one of the worst signs of the times is that political presses are inclined to give so little credit to their opponents for good motives, and to countenance or practice misrepresentation for party success.

Question. On the other hand, has not the Government in popular estimation been said to be composed of carpet-baggers, scalawags, and negroes?

Answer. That phrase has been used by the opposition press and by popular orators.

Question. The southern men in the Government declared to be unworthy by reason of their infamous character, the northern men by reason of their birth, and the colored men by reason of their race?

Answer. I would not say that a northern man is always regarded as unworthy by reason of his birth.

Question. I mean has that been the general tone and temper of the press?

Answer. That has been entirely too much so, I think.

Question. Upon that subject I wish you would look over a statement I find in one of the Nashville papers upon the subject of carpet-baggers, and say whether it gives the statistics correctly or not.

[The statement is as follows:

"As to the carpet-bag members of the convention which framed the reconstruction constitution of Georgia, they were thirteen in number, while the whole membership of that body was one hundred and seventy-five, of whom thirty were colored men. Of these thirteen carpet-baggers, eleven were and are consistent members of Christian churches; and only two of the thirteen were given to profanity, intemperance, or the keeping of low company; the other eleven were recognized as good citizens, of unexceptional habits, and abilities in every case fair, and in several brilliant. These thirteen carpet-baggers numbered among them more total abstainers from the use of intoxicating drinks than did the entire remainder of the convention.

"The legislature of Georgia, elected in 1868, has been sharply criticised as grossly corrupt. Of its two hundred and fourteen members, but seven have become residents of the State since the war, and six of those seven 'carpet-baggers' are moral and religious men. Yet we have often heard it charged that this (as is alleged) corrupt legislature is controlled by 'carpet-baggers.' And the lobby, by which the legislature is infested, contains but one prominent 'carpet-bagger;' and that one, sufficiently notorious, has never, so far as is known to the writer, voted the republican ticket, or in any way contributed to its success. Not one of the State officers (unless, indeed, we except the State superintendent of education, who is an appointee of the governor) is a 'carpet-bagger.' Of the members of the Fortieth Congress elected in Georgia, two were 'carpet-baggers'—both Christian men, and doing honor to the churches with which they were connected, by an upright life and a steadfast regard for the rights of others. In the Forty-first and Forty-second Congresses, no 'carpet-bagger' from Georgia held a seat. As for county offices, not ten of them in the whole State are or have been filled by the class in question; and from the judiciary they are expressly excluded by the terms of the State constitution, which requires a residence of five years as a qualification for judges, and State's attorneys, or solicitors. I might add that 'carpet-baggers' and negroes together have never numbered one-sixth of the legislature of Georgia."]

Answer. Well, sir, I could not say; I do not know whether the extract is true or not. I do not know how many members of the convention were, in the proper sense of the term, carpet-baggers. I should suppose, probably, not a larger number than about the number here stated. I did not take any pains to inform myself at the time about their habits or their places of birth. I could not give you an answer on that subject that would be in any way positive.

Question. I supposed that perhaps the most you could do, unless you had examined the matter critically, was to say whether this article was truthful rather than whether it was true; that it was substantially correct rather than mathematically accurate.

Answer. I could not say it was untrue, for I do not know the fact.

By Mr. BAYARD:

Question. Will you look at this statement in this paper?

"A HIGH COMPLIMENT FROM A RADICAL SOURCE.—The Cincinnati Commercial's Nashville correspondent (H. V. Redfield) in a late letter pays the 'traitors' and 'rebels' of the South the following compliment:

"The southern people loathe a man who uses a public office to enrich himself. Whatever may be their faults, they are honest. They do not worship the almighty dollar to the extent of bartering away their honor for it.

"The old southern fire-eating democrats, we are taught, were wicked men; and wicked they were, about some things, but they did not use their offices to fill their pockets. They did not form rings to make money, or establish gift enterprises. This old-fashioned honesty, this abhorrence of anything that looks like prostituting public offices to private gain, is as abhorrent to the southern people now as it ever was, and probably more, for they have been called upon since the war to have considerable experience with that sort of thing, and to know it is not to love it, especially when it is done at their expense. For the past six years the Southern States have been converted into an arena of robbery, presenting a spectacle of fraud and corruption perhaps unexampled in the history of the world, yet the southern-born men have had but little to do with it. Your true southerner, if he has sense enough to get an office, has too much honor to steal. In all my experience as correspondent of the Commercial in the different Southern States, I have found the worst thieves, the most insatiate robbers, to be northern men. There has been more stolen in South Carolina, or in Louisiana, since the war, than in all the Southern States put together, from the Revolution to 1860. And the strangest thing about this whole business is that the greater the rogue the more intensely 'loyal' he is, and for that, or the other reason, the higher in favor at Washington. If Hodge had been stationed down South, and had gotten up two or three Ku-Klux scares just on the eve of some election where the radicals were sore pressed, and thereby enabled them to carry the day, he would have been canonized instead of caged—though he had stolen $4,000,000 instead of $400,000 of the people's money."

Answer. Well, I think in the main that article is correct. It purports to be by the Cincinnati Commercial Nashville correspondent. People condemn in unmeasured terms anything like fraud, peculation or corruption in office. We have had a class of northern adventurers, who came down from the Northern States at the end of the war and got into high positions that they could not have reached at home; and they have had less regard for strict honesty and propriety in the administration of government than was formerly the case, so far as the expenditure of money was concerned.

By the CHAIRMAN:

Question. Do I understand you to adopt the language of that writer?

Answer. No, sir; I did not say any such thing. I said that in the main, I thought, the substance of his statement was correct, and I accompanied it with the explanation I desired to make.

ATLANTA, GEORGIA, *October* 31, 1871.

CHARLES WALLACE HOWARD sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will please begin his examination.

By Mr. BAYARD:

Question. You are a citizen of Georgia?

Answer. Yes, sir; a native of Georgia.

Question. Do you reside here in Atlanta now?

Answer. I reside here a part of the time. I am the editor of an agricultural newspaper, and I stay on my farm a part of each week.

Question. What is the name of your paper?

Answer. The Plantation.

Question. Is it devoted to agriculture and to the industrial development of Georgia?

Answer. Wholly and exclusively.

Question. It has nothing to do with politics, national or State?

Answer. No, sir.

Question. What was your profession?

Answer. I was a Presbyterian minister, for twenty-five years in the active discharge of the duty of pastor of the French Protestant Huguenot Church in Charleston. My health failed, and I left the active duties of that position.

Question. Have you been officially connected with the agricultural societies of this State?

Answer. Yes, sir; for twenty years. I am now the vice-president of the State Agricultural Society from our congressional district—the seventh district.

Question. In that way you have attended the conventions of an agricultural character throughout the State, and given the subject your attention?

Answer. Very closely indeed; perhaps more so than any other person in the State.

Question. Supposing you would have valuable information, my desire is to obtain from you a statement of facts connected with the industrial development of Georgia since the close of the war, and to learn how your people had been occupied, and the results of their industry in rehabilitating the material condition of your State from the desolations of the war, and the disorders of society growing out of the revolution through which the State has passed.

Answer. I would prefer you would take up those topics *seriatim*, as you wish information upon them. I can speak of the agricultural advancement of the State.

Question. Very well; state what is her present agricultural condition as compared with that of three or five years ago, and the progress made in that direction.

Answer. It has been very wonderful. Directly after the war we were destitute of live stock and money, and of course we were despondent. Soon after the close of the war our society met in convention at Macon, and we determined to do all we could to resuscitate the lost fortunes of the State. It commenced from that beginning, held its fairs, and now there are more than one hundred organized agricultural societies in the State. In the convention held at Rome in the month of August last they were represented by four hundred delegates, embracing the moral and intellectual wealth of the State. A finer body of men I have never seen assembled in Georgia, without any exception. As a result of those efforts the agriculture of the State has been very greatly improved, and I think it is now in a better condition than it ever was before, even previous to the war. In the section in which I live, which is the portion of the State northwest of this region, in the limestone portion of Georgia, there is now nothing visible but the scars of the war. As an illustration I will state that one single house in the little village of Cartersville sold, last winter, $5,000 worth of clover-seed, in a region where clover was never grown before the war. And seedsmen in this place during the past two weeks have been selling from $60 to $75 worth of grass-seed a day. I mention this fact because it is to us a new industry. It was generally understood that grasses, which are the basis of all good husbandry, would not grow in the South. If the rest of the State is suffering for the want of money, in that section it is comfortable to say that while they have not much money they are not in debt. It has been found that clover and other grasses will grow in this section of middle Georgia, and they are being very extensively cultivated. In what is called the cotton belt the drawback is the uncertainty and unreliability of the labor we have to employ. Yet even with that the most extraordinary results have been produced, and produced largely, I think, from the very indomitable energy of the people, who are not disposed at all to whine over the past, but to make the best of their situation. While fully one-half of the labor that we employed before the war is not now available——

Question. What part of the labor is that?

Answer. I refer to women who will not work.

Question. Negro women?

Answer. Negro women who will not work, and the great number of negro men who have concentrated in the cities. Women now will not, to a great extent, pick cotton, which is a woman's work; they have the idea that, since their emancipation, they should live very much like ladies, and consequently they will merely take care of their own households and do but little or no work out of doors. Yet notwithstanding that, the cotton crop of last year was an enormously large one, even with these disadvantages of labor. I account for that, as I have said, by the resolution of the people, the use of improved implements of agriculture, which have been largely bought, and the great expenditure of money for fertilizers. Last year the State of Georgia expended ten millions of dollars in commercial manures, one-fifth of the whole amount expended by Great Britain for manures. The statement was made in my paper and doubted, but I obtained the certificate of the superintendent of the State of commercial manures, which gave me the details of that fact, which is a very astonishing one.

Question. Is the area of cultivation increasing, or is there a more perfect cultivation of the land?

Answer. It is lessening rather than increasing, but the cultivation of that which is under the plow is very much improved.

Question. It is an improved cultivation, and not a more extended one?

Answer. Decidedly. I have never known a period in the history of our State when so profound an interest was felt in the improvement of the soil as at present. At our convention at Rome, which I say was one of remarkable interest, there was nothing said about State or national politics, nothing in reference to the causes which have given so much disquietude. The one instance of a reference to our vexed condition was this: a resolution was introduced requesting the legislature to make a failure to perform the contract on the part of farm laborers a misdemeanor. Farmers have suf-

fered very much in consequence of negro men making contracts for the year, and in the midst of the contract getting angry for some cause, just or unjust, and leaving. That has been attended by very great embarrassments. That resolution was instantly voted down in the convention, on the ground that it was not just to the negro. That was the only allusion during the session of that body, and showed the spirit of that body to deal even-handed justice to the negroes.

Question. In this development are you encouraged by the presence of citizens of the North, who have settled among you and become efficient members of your community?

Answer. Yes, sir, to a certain extent, not nearly so much, however, as we could wish.

Question. Is it, then, the desire of your people that men should come from the North and incorporate themselves with your community, and assist you in these matters?

Answer. Yes, sir; I may mention, as an illustration, that, in Morgan County, in this State, there are now between forty and fifty northern families, who have moved there since the war. The leader of that movement, Captain True, was a Federal officer during the war, and served with Sherman during his campaign. He and his associates, quiet citizens, came here. They came to mend their fortunes; to avail themselves of the soil, climate, and products of Georgia. They have been cordially received, and Captain True was made a member of the executive committee of the State Agricultural Society, and is as much honored as any member of that body. If there has been any unpleasantness at all there, I have never heard of it. I have received assurances from a number of those gentlemen that they could not have been more kindly or respectfully treated anywhere at home. Our people do not ask where a man comes from, if he comes into our community and is quiet. You will find rude men everywhere.

Question. And intolerant men everywhere?

Answer. Yes, sir.

Question. Have you found, throughout the State, frequent cases of men who were in affluence prior to the war, and who have been deprived of their fortunes by the results of the war, and are now supporting themselves by manual labor, and applying themselves to any laborious pursuit that will give them sustenance?

Answer. I have; but I have regretted that the general tendency has been, on the part of those gentlemen, to embark in mercantile pursuits rather than in pursuits which involve any physical labor on their own part. But a great many cases have come within my own knowledge where young men who, previous to the war, were of good blood and fortune, and accustomed to affluence, when the war was over pulled off their coats and took hold of the plow handles, and have placed themselves now in a condition to be independent men.

Question. Are the youth of Georgia now generally occupied in branches of material industry?

Answer. There is too great a disposition to resort to professions and to mercantile life; but there are very large numbers of our young men, a very large majority of them, who are employed upon farms and plantations, many of them occupied in manual labor, many of them directing the pursuits of the men they hire.

Question. You have spoken of the agricultural progress of your State; let me turn to the other branch of the restoration of your fortunes, the building up of your towns.

Answer. It has been marvelous; you see in this place one illustration of it. Our towns have advanced in a most extraordinary degree since the war. Savannah has increased very greatly in population, and very greatly in wealth, and in material industry.

Question. In this connection, speak also of the increase of her commerce; she is your chief sea-port, I believe?

Answer. Yes, sir. Her commerce has been very much extended; property is very high there; rents are very high, and a degree of prosperity is now prevalent in that city, much greater than in any other of our cities, with the exception of Atlanta. But in the other cities there has been a very steady improvement growing up, through factories which they are establishing. Augusta has an enormous water-power, and is using it very advantageously to a very great extent. Some of the finest cotton factories in the United States are to be found there. I think Mr. Senator Sprague pronounced the Georgia factory the very best conducted institution of the kind in the United States. Columbus, I suppose, has a larger water-power than any other town in the United States. There is 300 feet of fall in the Chattahoochee River within a very short distance, I forget within how many miles. Factories are being extended there very greatly, and they are now in full and most vigorous operation.

Question. Do you find that northern capital is coming down among you and availing itself of these advantages?

Answer. To a certain extent. Gentlemen have brought me letters of introduction, and they have been very much pleased, and have expressed a great desire to invest here, but they were uncertain as to the precise status of the country, and are holding off.

Question. The political status of the country induces them to withhold their investments?

Answer. Yes, sir; but in other instances they have made investments, and very handsome ones.

Question. Profitable to themselves?

Answer. Yes, sir.

Question. And to your people?

Answer. Yes, sir: very much so.

Question. What has been the development of your railway system?

Answer. Well, the advance of our railway system has been very much greater than we have ever known before; and it has been a surprise to us all. I believe that they are all yielding fair results to their stockholders.

Question. Do you know the number of miles of new railway which have been built within the last three or four years?

Answer. I do not.

Question. Have you tables of those statistical facts in regard to the industries of Georgia which you could furnish to this committee?

Answer. I think so, through the report of the comptroller general of the State.

Question. I will ask you now whether those results which you have detailed to this committee could have been accomplished except by a combined effort of the great mass of the people of Georgia?

Answer. Certainly not. We have had politicians among us who have been disposed to be noisy, and to agitate the minds of the people with past issues, but they are not our representative men. I think the mass of the people of the State are concerned very little about other affairs than those of their own State, and are disposed to abandon everything else to build up the material and educational and moral interests of Georgia.

Question. In regard to education, I would ask what has been the progress of your State in respect to building school-houses and things of that kind?

Answer. We labor under an embarrassment not new, but perhaps inherent, and which must continue so for some years, as to the common-school system, which I suppose you refer to. Our collegiate institutions, both male and female, are all prospering. The educational interests which were interrupted by the war have all been resumed. The sparseness of our population is the greatest drawback to a common-school system. It is a subject which I have studied attentively at home and in Europe. I have examined the systems there, with the hope of being able to ascertain some system which might meet our wants; and that has been the great difficulty in our way. The only possible method of attaining success in it is by a peripatetic system, something like the Methodist circuit-riders, having a school for a week in one place, and then a school for a week in some other place.

Question. That difficulty relates to all classes?

Answer. Yes, sir, in the country. In the towns our schools have been revived, but in the country that difficulty exists, and will continue to exist just so long as our population is as sparse as it is at present.

Question. In regard to schools for that portion of your population lately in slavery, do you know of any disposition upon the part of the white people to give land and build school-houses, so that the children of the colored people can obtain instruction; have you known cases of that kind.

Answer. The colored people of Georgia are receiving more educational advantages than the poor whites. For a time, they had the earnest assistance of the Freedmen's Bureau, and since that time northern aid has been extended to them. We have always been so poor that it was a very hard matter to educate our own children, and we could not take care of the children of others. The consequence is that the children of the poorer whites are in a deplorable condition, growing up in vice and ignorance. But the negro children have received these advantages of which I have spoken.

Question. Does that matter of the education of the negroes meet the general sanction of all the white people of the State?

Answer. Yes, sir, of the better disposed. Some foolish people may express dissatisfaction, but the most of the people understand this: the negro is here; if he is ignorant, he will be vicious, and all we can do to make him a virtuous and intelligent citizen it is our duty to do. I have never known any objection to that.

Question. Do you know of cases where land has been given by white gentlemen in the neighborhood as sites for colored schools?

Answer. I do not.

Question. Are you acquainted with Colonel Alston, here in this neighborhood?

Answer. Very well.

Question. Are you aware of the facts attending the donation of land and the erection of a colored school-house on his property?

Answer. I was not aware of that.

Question. You say the general feeling of your people is one of encouragement

toward any effort to ameliorate the condition and the character of the negro population?

Answer. Decidedly. In regard to the fund which has been set apart for common-school education, it is understood, and not objected to at all, that the colored children should receive their fair and full proportion of the results of that fund.

Question. In the ratio of numbers?

Answer. Yes sir.

Question. The taxes of the State, I presume, are paid principally by the white classes?

Answer. Yes, sir.

Question. And, of course, the negroes hold a very small fraction of the property in the State?

Answer. None at all, you may say.

Question. The school-fund raised by your laws is distributed in the ratio of their numbers, and not in proportion to their contribution to the fund?

Answer. No, sir.

Question. My questions to you are general in their nature. Not having had any interview with you before this time, I have been unable to prepare any questions, and you have been unable to prepare any answers to them. But if there be any other facts tending to show how the people of Georgia have been occupied during the past three years, I would be very glad to have you state them.

Answer. I think that the very best evidence of their occupation, and of the incorrectness of the representations which have been made of a certain degree of lawlessness of condition among our people, is the fact, that if you look abroad through the State at this time you will find its agricultural products in proportion to the number of laborers employed, or who can be employed, for we have not been able to get enough. The results are larger than ever before. The State has built and is building more railroads than it ever did; it is building more factories than it ever did; it is building towns more rapidly than it ever did. Its agricultural products are larger in proportion to the area cultivated than they ever were. And people who run about at midnight and are engaged in disturbances of one kind and another cannot accomplish any such results. The best refutation, I think, of the misunderstanding which has taking place in regard to our social condition is found in the fact of our material condition at this time. I have heard of disorders in the State, of Ku-Klux, but I have never seen one, and I never saw a man who ever saw one; yet my acquaintance throughout Georgia is a very large one. I have known of organizations which passed under that name. However, I should not say organizations, for, from what I have heard of them, they are rather temporary associations, which have originated in parts of the country where, from the necessities of the case, there has been to a large degree an absence of law, and these people have combined and have punished offenders against morality, such as persons living in adultery, persons engaged in horse-stealing, and other classes of people whom the law does not or cannot reach. These men, like the old regulators which we found in our newer States, where offenders cannot be reached by law, have combined to put down this class of offenders, without reference to politics and without reference to color. That is as far as this class of association has come within my hearing; of my personal knowledge I have no acquaintance whatever with any of them. I have been informed that in other cases acts of violence have been committed by persons organized, whether temporarily or permanently I can only give my impression. As in this recent case in Madison, which was a very sad one, on the part of nobody knows whom; but they took the life of that man, provoked by the preliminary threats of the negroes, as we are informed, that he would be taken out of jail, and the ends of justice thereby defeated; and by the fact that the number of pardons by the executive of the State has been so large, and those pardons have been so indiscriminate, that measures of violence have been resorted to to prevent the apprehended escape of persons from justice. That is what I have understood in a great many instances. Apart from those instances of lawlessness, which I believe occur in every community, where mobs sometimes get hold of men and take their lives for such offenses against society; apart from those I may say, under oath, that I have never known the State of Georgia in a sounder condition as to morals and the execution of the laws than it is at the present moment—never.

Question. You believe that her tribunals of justice, her courts and juries, are efficient to give justice to men of all classes, colors, shades, and opinions?

Answer. Perfectly adequate to do so, I think. There may be exceptional cases, but I will make that as a general remark.

Question. Have you, as the editor of an agricultural paper, been conversant with the tone of the public press throughout the Northern States of this country?

Answer. Yes, sir.

Question. Have you, at different times, traveled in that section of the country?

Answer. I was educated there, but I have not been there very recently. I was educated at Princeton, New Jersey, at the theological seminary there, and previously in Massachusetts.

Question. You graduated from the theological seminary at Princeton?

Answer. Yes, sir.

Question. You have not been in the North since?

Answer. No, sir.

Question. Your knowledge of the North is confined to your reading of the newspapers and the magazines of the country?

Answer. Yes, sir.

Question. Are you not, as an editor, called upon to have more than an average knowledge in that way?

Answer. My exchange-list is quite large, and it has kept me pretty familiar with these things.

Question. As a result of that observation, do you think the amount of crime in Georgia is greater in proportion to the amount of population than the average of crime in other States?

Answer. I think not. I will give you an illustration of the security of life and property in one of the wildest portions of the State. Having some coal interest on Lookout Mountain, I have spent a great deal of time there. That has generally been considered one of the wildest portions of the State; in fact, in that militia district there was neither justice of the peace nor constable, owing to some oversight here of appointment. The house in which I staid for a couple of months never had a lock on the door. I had a considerable sum of money with me, and I staid there without any protection, and it was known that I was there with money.

Question. Is that not quite a constant thing in the country surrounding us now?

Answer. O, yes, sir; I do not think we are in any more danger from violence or lawless acts of that kind than we ever were.

Question. Do you think that safety extends to all classes of your people?

Answer. I think so. The negroes—and there is a very remarkable thing about that which I would like to state before this committee—the negroes show their inherent vices, three of them, indolence, theft, and sensuality. Before the war closed, when it was thought that the negroes would be emancipated, all of us apprehended a repetition of the scenes of San Domingo; but nothing of the kind has occurred. The negroes have been quiet and orderly, under very strong temptations to be otherwise; temptations not originating with themselves, but with a class of very bad men who came among them, and who endeavored to foster ill blood between the races for their own aggrandizement. But those men had little brains and less principle, and the negroes soon saw through them. If they had been like members of the internationale, or of the commune—earnest fanatics—I think they would have done much harm; but I think their power is very much at an end, and the result has been very different from what we feared. The negroes have been orderly and quiet, for the main part, to a wonderful degree. On the other hand, the conduct of the whites has been very different from what experience and analogy might have induced us to expect. Those people suddenly having been liberated, given the power to vote, to sit upon juries, and to hold office, it was very natural to suppose that the whites, as a mass, would have a feeling of the strongest animosity toward them. But it has not been so; and, as a general rule, (of course there are exceptional cases,) the two races, in their intercourse with each other, have acted in a manner which no former experience would have led us to anticipate. I think that the negroes generally are going to their old masters, and their old masters are treating them with kindness and even-handed justice. I might mention one instance of a gentleman who cultivates about 10,000 acres of land in cotton and corn—7,000 in cotton, and the balance in corn. He employs somewhat more than three hundred hands, and he has on his plantation a population of one thousand blacks. He tells me that everything moves perfectly and smoothly; that they do not work as they used to, but with the exception of the increase of the blacks, which was a large source of income to the former slave-holder, he thinks that his profit, on the whole, counting the interest on his former investment, is now larger from his plantation than it was before the war. He is an extraordinary man—Colonel Lockett, of Dougherty County, in this State. I suppose he is the largest cotton-planter in the South, and a man of very remarkable ability in the management of negroes. If we are undisturbed, I think the present course of events will lead to a degree of prosperity that Georgia has never yet known. I was requested two years ago by the authorities of the Western and Atlantic Railroad to make an examination of the northwestern part of this State, in respect to its resources in coal and iron. I did so, and was exceedingly surprised at the result. I have mentioned them to some Pennsylvania gentlemen, who considered them exaggerated and fabulous until they came out and saw for themselves, when they conceded that there had been no exaggeration at all. I published my report in October, and the legislature met very soon after. Before the ...ing of that legislature there were four railroads char ered to tap those coal and iron regions. There were too many; they were in conflict with each other, and nothing has been done, or will be done, until there has been a compromise. But it shows the tendency of the minds of our people in that direction. Money that was heretofore

occupied in the purchase of slaves now goes to manufactures and the development of our material resources of every kind.

By Mr. LANSING:

Question. Is not the great and gratifying improvement in the industries and material condition of Georgia since the war very largely attributable to the change in its system of labor?

Answer. I am inclined to doubt that, although it looks as if the result was produced in that way, and I have no doubt that that has had some effect. But I rather think that our former slow progress was dependent upon the way in which we used our labor, rather than on the labor itself, confining it exclusively to the cotton crop, with its exhaustive process.

Question. Did Georgia, in any former time, make equal progress in the same period of time?

Answer. I think not.

Question. You think, then, that its lack of prosperity was not inherent in the system of slavery, but because that slave labor was badly managed?

Answer. That is my idea.

Question. Has not the prosperity of Georgia since the war been greatly aided by capital and immigration from the North?

Answer. Our towns have been aided very materially by that capital; two or three localities have been so aided.

Question. Would you have expected that infusion of northern capital and immigration under the system of slave labor?

Answer. No, I think not, because of the prejudice against it.

Question Would you, under your former system of slave labor, have expected this great improvement in agriculture, as indicated by the use of machinery and of fertilizers of which you have spoken?

Answer. I am afraid not, and for this reason: it was so easy, with our former system of labor, and so profitable to make cotton that it was difficult to induce the planter to cultivate grasses, or to employ his capital in any other way than in increasing his cotton interest.

Question. Is not your increased prosperity also owing to the fact that since the war your labor has been more intelligent, and therefore more effective?

Answer. No, sir; we have had the same labor that we had before; there has been very little northern labor or foreign labor in the State.

Question. I will say, then, because that labor has been more intelligently directed?

Answer. Yes, I think that is the case. The farmers now have nothing but their lands; formerly the great investment was in slaves; now the sole investment is in the land. They cannot now emigrate; before they were almost a nomadic people, improving and removing. That cannot now be done, for which I am very glad. The farmer or planter in directing his labor now directs it not merely to an improvement of the crop, but to the improvement of his soil, and therefore to the advancement of the value of his estate.

Question. Is it not best for the people of Georgia that the South and the North should become more homogeneous, and should assimilate more and more in their institutions, laws, habits, and interests?

Answer. I think it is.

Question. Do you not believe that the tendency of affairs since the war has been to produce that state of things?

Answer. Do you mean——

Question. I mean to speak in general terms.

Answer. I do not precisely understand your question. I wish to be perfectly accurate in my answers.

Question. I will say very frankly that, at least, at first I wish to be very general in my questions. I will repeat the question: Do you not believe that the tendency of affairs since the war has been to produce the state of things I have indicated?

Answer. Do you mean public affairs?

Question. I mean to include all affairs.

Answer. Well, I think not.

Question. Do you not believe that they have become more and more assimilated in interests and habits?

Answer. I believe that they were very much disposed, earnestly disposed, to a greater community of interests, but I think that disposition has been checked by circumstances connected with the administration of public affairs relative to Georgia.

Question. I will say here that it was no part of my purpose to refer to party politics. I supposed that you did not take much interest in party politics.

Answer. Very little; I may say none at all, for I have no use for politics.

Question. Well, notwithstanding all the matters to which you allude, Georgia has continued to make this great and very gratifying progress since the war?

Answer. Yes, sir; Georgia has made this progress. And I will say this, that where very intelligent, wealthy northern men have come into a community, the effect of intercourse with that class of northern men has been to produce a very kindly feeling not only toward them, but toward the section from which they come.

Question. You spoke of the unexpectedly good behavior of the negro, and, as I understood you to say, of the improvement in their condition and behavior.

Answer. I mean as to the quietness of their behavior. I cannot speak of any improvement.

Question. Do you think the negro behaves quite as well as a freedman as he did as a slave?

Answer. So far as any excess is concerned that is true, but not as regards industry and a disposition to accumulate property.

Question. You spoke of the vices to which he is subject—indolence, theft, and sensuality; are not those vices such as would be very likely to be induced, and one may say cultivated, by the condition of slavery to which he was previously subjected?

Answer. No, sir. Those vices have greatly increased since the abolition of slavery. Before the abolition of slavery the planter had a degree of restraint upon his negroes, which, perhaps, in the preponderance of cases was exerted sometimes from philanthropic motives, and sometimes from interested motives, to produce sensuality, but, of course, to prevent theft and indolence. Those restraints have been withdrawn. And as an illustration of the tendency to one of those vices, I will say that a large proportion of the negro women are diseased.

Question. You spoke of Colonel Lockett, a large planter; you say he has no difficulty with his colored labor, or at least he says that, leaving out of consideration the income from the increase of his former slaves, his labor is now better and cheaper than before, and that he makes more money from his labor?

Answer. He makes more money, not that his labor is any better. He thinks he makes more than he would have done, counting the interest on the investment, and throwing out the increase of his slaves.

Question. You would not, as a general rule, expect a slave to be more industrious than he was compelled to be?

Answer. No, sir; of course not.

Question. And you would expect a slave to think he was justified in taking even for his own use, and quietly if not secretly, the products of his labor to some extent?

Answer. They generally had that in abundance for all their wants; if they did not have it, I would expect that they would steal it.

Question. And you would expect that a large population without education, and without any laws protecting them in their domestic relations, without any legal marriage, and living in a state of concubinage, would be sensual?

Answer. Yes, sir; to a certain extent, certainly.

Question. And you say they have become more sensual since the war?

Answer. That is my impression.

Question. Is that the reason that we see so many half-breeds down south?

Answer. You do not see so many since the war. Of course there is not time for any of them to advance much, but there was a deplorable degree of sensuality before the war.

Question. In the direction to which I allude?

Answer. If you could determine that result by color, I think you would discover in New York and Philadelphia about the same results of sensuality. But in this case, wherever there was that kind of vice, it showed itself in the complexion.

By Mr. SCOFIELD:

Question. Thus involving sensuality in both races where shown by color?

Answer. Yes, sir, of course.

By Mr. LANSING:

Question. I will ask this question: About what proportion of the white people of this State outside of the cities cannot read and write?

Answer. I cannot inform you; but a very much larger amount than ought to be the case.

Question. Will you agree with Governor Brown in saying that a very large proportion cannot read and write of those to whom I allude?

Answer. Do you mean ——

Question. I mean of the white population outside of the cities?

Answer. If you will confine it, as I suppose Governor Brown must certainly have done, to the laboring classes, the hireling classes, because there is nobody except in those cases who cannot read and write.

Question. About all of those cannot?

Answer. A very large proportion cannot.

Question. Now, in respect to sensuality, for instance, how do your negroes compare with that ignorant class of white population?

Answer. O, there is a vast difference. As a class, those people are very pure in their habits, more so than any peasant population I have ever seen.

Question. Is it not true that since the war the negroes are assuming and maintaining domestic relations with reasonable fidelity and regularity?

Answer. I do not know that there has been any external change in that matter, so far as I have had an opportunity of observing.

Question. I will follow out the suggestion of my friend the chairman; it appears from much evidence that we have taken here that very many of the raids upon colored people by these disguised bands have disclosed the fact that their victims were found in bed with their wives and their little children around them, where they lived in organized and regular families. Is that pretty generally the condition of the colored population through the State?

Answer. I think they are generally found in families, in organized families.

Question. You have spoken of the difficulty of maintaining common schools.

Answer. If you will allow me, before you pass to that point, I will make a statement with extreme regret, for I was born among the negroes; my earliest attachments were among them; one of the earliest things I can remember is my old nurse who loved me and attended to me as a mother would have done. I have felt from youth a profound interest in that race. I was among them long before the war; I was perhaps the superintendent of the first colored Sunday-school in the State, when I was a boy in college at Athens. Up to that time the negroes had been allowed to read. About that time what were called the Walker pamphlets—which perhaps may have escaped the recollection of you gentlemen, for that was a great while ago, upwards of forty years ago—the Walker pamphlets from Boston were circulated through the post-office. They were documents of a very strongly incendiary character, teaching the negroes that it was their right to rise and take their masters' lives in order to obtain their freedom, &c. When those pamphlets came there was a very great excitement in the State. A band of men in Athens determined to suppress this negro Sunday-school, of which I was superintendent. We received advice of that intention, and the teachers armed themselves with the intention of defending themselves in the prosecution of what under the law was then a right, the right to teach the negroes to read. They, however, did not come. In speaking of the circumstance afterwards in Princeton, Mr. Courtland and Mr. Van Rensselaer said that we were fulfilling the apostolic injunction in having taken the stand we did until the law allowing the negroes to be taught to read was repealed. The cause of the repeal of those laws was the circulation of those pamphlets, because it was considered dangerous that the slaves should be allowed to read. I may remark in passing that I have no doubt if our troubles had not occurred, laws would have been passed allowing the negroes to learn to read, for a great many of us had them very close to our hearts, and laws would have been passed materially modifying the condition of the negroes. Those laws would have related chiefly to the marriage relation, the permission to learn to read and write, and such a connection with the soil as would render it impossible for the owner to displace the laborer. Those were the principal features of the laws we contemplated; but those difficulties came on and that passed away.

Question. The slave-holders thought their system could not stand the attacks of highly enthusiastic men?

Answer. Yes, sir.

Question. It would not stand the maxim, that "there is no danger of error when truth is left free to combat it?"

Answer. It depends very much upon the way in which truth is used. The people did not at all fear the ultimate result of such pamphlets as those, but they feared the occasional outbreaks that might be induced by them.

Question. I understand from you that your life has been devoted to philanthropic pursuits?

Answer. Yes, sir.

Question. Are you in favor of a system of free common schools, so far as practicable, in the State of Georgia?

Answer. Perfectly so.

Question. To what extent are there schools established in the country districts of Georgia?

Answer. Those districts are deplorably destitute of them.

Question. There are no systems of common schools established?

Answer. None whatever in operation. The last legislature adopted a system of free schools, and a commissioner of common schools was appointed. But the law was deemed quite a defective one, and it has never gone into full operation, both from defects in the law and from the unwillingness of the people, in their present impoverished state, to submit to the unequal taxation.

Question. You hope speedily to see the time come when they will do that?

Answer. Certainly. I wish to make another remark in the connection I was speaking just now. I spoke of my interest in that race, and it has been a life-long interest. We had in Georgia a gentleman whose name may be familiar to some of the persons here present; the Rev. Charles C. Jones, a man most eminent for his philanthropy and for the high order of his intellect. That gentleman was a Presbyterian minister; he devoted himself for a number of years of his life to the education of the blacks in Bryan County. He was assisted by an Episcopal minister there, and by a very admirable philanthropic family by the name of Clay, one of whom married Mr. William R. Gray, of Boston. They spent their winters on their plantation and not only had a Sunday school, but during the week one of the ladies of the family devoted herself to teaching a regular day-school for the negroes on the plantation. As I have remarked, Doctor Jones gave up his whole time and his great abilities to that labor. He wrote catechisms and books of oral instruction. We all thought that the experiment of the advancement of the negro was there being made under more favorable circumstances than in any part of the country; but I am sorry to say, I regret deeply to have it to say, that since the war those people have cast off the instruction of years, and have become the most abandoned and profligate people down there. The very moral elevation, comparatively, to which they had attained seems to have sunk them but the deeper.

Question. You spoke of the negro population having made great progress in the way of education since the war?

Answer. I did not say progress, I said there are greater facilities of education now, and there are more of them going to school.

Question. Do you not think they have exhibited a greater eagerness to learn since the war than the uneducated white population?

Answer. I do, most decidedly, and for this reason: the white population always have had the privilege of learning to read, while the negro population have been excluded from it, and they have been eager to avail themselves of a newly-found privilege.

Question. Will you give a reason why you say, what is undeniably a fact, that the negro population is very much disposed to leave the country districts and to assemble in the cities?

Answer. It is because of the inherent love of the negro for a crowd, for shows, for amusement, and for opportunities of making a precarious living by occasional jobs when they may be idle at other times.

Question. Has it not been, to some extent, the result of the treatment they have received?

Answer. O, I think not.

Question. You mean by that, so far as you know?

Answer. I say so far as I know.

Question. You now have high and sanguine hopes of the future of Georgia?

Answer. Most decidedly, provided no unforeseen circumstances occur to prevent it.

Question. Provided you are not harmed and prejudiced?

Answer. If events follow the course they are now pursuing I think the future of Georgia is brighter now than it ever has been.

By the CHAIRMAN:

Question. If the course of things for the last three years continue the future of Georgia will be very brilliant?

Answer. I think so.

Question. You are clergyman of the Presbyterian church?

Answer. Yes, sir. I have not been in the active discharge of the duties of my profession during the last fifteen years in consequence of an affection of the lungs.

Question. How were you engaged during the war?

Answer. I was a captain in the army.

Question. You told us that you have had a great interest in the welfare and general up-building of the negro race. How have you devoted yourself to their benefit and improvement since their emancipation?

Answer. Personally I have done very little, except wherever occasion offered for me to give them advice. But until they had a regular school in the village near me my daughters taught them regularly; taught both adults and children who were disposed to improve.

Question. Did they have a school?

Answer. Not a paid school, just a voluntary thing.

Question. What I want to know is whether it was a school or whether they taught them about the house?

Answer. I suppose we have on our farm now some two hundred persons, the majority of whom are negroes, and there were forty or fifty children who were the subjects of instruction.

Question. And you daughters taught them?

Answer. Yes, sir.

Question. What was the kind of instruction; what were the subjects about which they gave instruction?

Answer. The very simplest; they were prepared for nothing else; their letters, spelling, and a little arithmetic and writing.

Question. So far as you know, by whom have the colored schools in the State generally been taught?

Answer. By northern persons.

Question. How have those persons been regarded socially? I speak of the teachers of colored schools, especially those coming from the North.

Answer. Well, I think unfavorably.

Question. Have they not been most rigorously and seduously excluded from what you call society?

Answer. The females have been.

Question. Do you not know that among those females, as you call them, who came down here to teach colored schools, there were many highly educated, highly cultivated, accomplished ladies, of good northern families, who came down here to teach these people from the very highest sense of moral duty?

Answer. I know nothing of that, for I have never exchanged a word with one of them; never happened to meet one.

Question. In all the State?

Answer. I never happened to meet one of them. There are very few in Georgia, and none in my section of the country.

Question. You have never made it your business to inquire what sort of persons they were, or what their characters were?

Answer. No, sir, I have not.

Question. Was it not enough to brand any female, as you call her, that she was a teacher of a colored school, no matter what may have been her personal character, her attainments, or her social standing at home, and to exclude her from what your people call society?

Answer. The fact of their teaching negroes did not exclude them from society, for my own daughters taught negroes and did not suffer in consequence of it; but there is a very different condition, socially, in the estimation placed upon northern and southern women at the South.

Question. Please explain that.

Answer. I mean this: Among men the question is never asked. A man comes here and establishes himself among us, and the question is never asked where does he come from, if he attends to his own business and is a good citizen. But among the women there is not that same feeling. Our women say that during the war, when we men were shot at we had a chance to shoot back again, but that they were compelled to endure in silence the indignities and deprivations, the memory of which they have not forgotten; and they are not inclined, unless in special cases where letters of introduction are brought, to look favorably upon even ladies from the North who come out here, so far as their social relations are concerned.

Question. You think that is the general feeling among your ladies?

Answer. Undoubtedly. I think the feeling is very different among the women from what it is among the men. The one relation is a business relation, the other is a social relation.

Question. And they hold the northern ladies responsible for what they themselves suffered during the war?

Answer. Well, they let them alone; they do not disturb them. I was called on to write an article on the condition and resources of Georgia, for the Patent-Office report of 1867, which I did very fully. In view of the prevalence of the fact to which I have referred, in urging northern people to come out here and avail themselves of the advantages presented by this State, I have advised them to do as gentlemen in Morgan County have done, as they did in Liberty County before the Revolution—to come in colonies; to bring their own society with them, because if they come in isolated families the ladies could not expect to receive the courtesies to which they were entitled.

Question. Do you suppose a man of self-respect and conscious worth would bring his money, much less his family, his wife and children, into a community where he would be made to feel that he was unwelcome, or that they would not be received on equal terms?

Answer. If I were in his place I should not do it, unless I brought my own society with me, and was in that way independent of those here.

Question. Are not such persons who come into your community made to feel in a thousand ways, on the street, in the church, and everywhere else that they are unwelcome?

Answer. Northern men?

Question. Northern men and northern women.

Answer. I think not. I have never known an instance of rudeness to either a northern man or a northern woman, who was entitled to courtesy; I mean of positive rude-

ness. As I have remarked, among the men this question of birth is not raised, and among the ladies they are simply let alone.

Question. Perhaps you recollect an instance where a man was by the wayside and some other men came along and passed by him on the other side. That, perhaps, may not be regarded as rudeness, but still it would be very annoying and humiliating, would it not?

Answer. If those people were sick and afflicted, our ladies would not pass by on the other side.

Question. Now, with regard to the negroes of whom you have been speaking, do you think it would have been better for them had they remained in slavery?

Answer. The negroes?

Question. Yes, as a race.

Answer. I think so, most unquestionably.

Question. Do you think it would have been better for the white people had the negroes remained in slavery?

Answer. That is a very difficult question to answer; it is a problem very hard to solve. About the negro I have no doubt.

Question. You think it would have been better for the negro to have remained in slavery?

Answer. I do.

Question. How do the negroes themselves regard it?

Answer. In the mass they consider that they have gained a great result, but I have met many instances in which they say they were much better off before.

Question. A man's happiness or unhappiness, his good or ill condition, depends a great deal upon his own feelings, does it not?

Answer. Yes, sir.

Question. A man who feels happy is happy?

Answer. Yes, sir.

Question. Suppose the people of Georgia had the whole question at their own disposal, without any hindrance of any kind from any outside pressure, moral or legal, suppose the question was submitted to them as a practical question, to be decided as any other practical question, would they or not re-establish slavery?

Answer. I do not think the idea would be entertained by any sensible people at all; they would not think of it.

Question. Why not?

Answer. Because it would not be possible. While it is very possible to bring a few Africans over in ships and let them gradually grow up in slavery, it would be utterly impossible to put such a number of persons back into slavery; and if it was possible to do so, they would be so disorganized that their labor would be almost useless.

Question. You spoke of having been up about Lookout Mountain recently, and having found yourself entirely unembarrassed and inapprehensive of any personal insecurity?

Answer. Yes, sir.

Question. Lookout Mountain is in Tennessee, I believe?

Answer. The portion of it to which I referred is in Georgia.

Question. It is on the Tennessee line?

Answer. Where I was it was nearer Alabama.

Question. Within the extent of your acquaintance or association have you known or heard of anybody being maltreated by bands of disguised men at night?

Answer. In a single instance, while I was up on the mountain, I heard that there was a party of disguised men that came to one of those people who was living in adultery, and took him out and whipped him, and made him leave the country.

Question. Then so far as you and your friends and associates are concerned, there has not been a single instance of maltreatment by disguised bands?

Answer. No, sir.

Question. Have you any reason to suppose that anybody else has been maltreated, unless it was somebody who had been living in adultery or committing some other violation of the laws?

Answer. I have never known, within my own knowledge, but one instance which occurred in my own county, of a negro who was killed by three men, who, I think, were partakers in the murder. The citizens immediately pursued them, caught them, put them in jail, and they were tried at our court and condemned.

Question. Where was that?

Answer. In Bartow County, before Judge Parrott. That is the only instance that has come within my knowledge?

Question. Have you ever heard of any men being taken from a railroad train below here and put to death by disguised men?

Answer. No, sir.

Question. You have said something on the subject of pardons by the governor

Have you personal knowledge of the exercise of the pardoning power, and of the cases in which it has been exercised?

Answer. Not in a single instance. I only see the papers and read the proclamations, and hear what reliable persons tell me of the number of cases.

Question. What have been the number of convictions for crime since the war, compared with those before the war?

Answer. I think the number has been very much larger.

Question. Do you know whether the convicts in your penitentiary have increased in number or not?

Answer. I think they have, very much.

Question. Then if the pardoning power were exercised upon the principles and in the same proportion now as before the war, the actual number of pardons would be much greater?

Answer. O, yes; I mean to say that the pardoning power has been exercised by our executive to a degree which we have never previously known, to such an extent as to be a subject of common conversation.

Question. That was not my question; do not misapprehend it. My question is this: Suppose the pardoning power were exercised upon the same principle and in the same proportion since the war as before the war, would not the aggregate number of pardons be necessarily greater, because the amount of crime and the number of convictions have been greater?

Answer. Yes, sir.

Question. I have here, appended to a letter of the governor of this State to Mr. Senator Scott, a statement purporting to be by the secretary of the executive department. I wish you would run your eye over it and see whether, so far as you know or understand, the statement is accurate. It is purely statistical.

[The letter referred to is as follows:

"*His Excellency Rufus B. Bullock:*

"GOVERNOR: In compliance with the request of your excellency, I have made a thorough examination of the records of the executive department touching the action of the department upon the subject of pardons.

"Prior to your inauguration, there was no analytical record kept of cases of this character, and the only information that can be derived on the subject is the copies of orders announcing pardons scattered through the executive minutes.

"From July 4, 1868, to July 4, 1871, a complete record has been kept, showing in full the application, the evidence, the recommendation, and the executive action in each case.

"From this I ascertain the following facts:

"There have been during that term of three years pardons for—murder, 41, of which 25 were pardoned before trial; murder commuted, 15; voluntary manslaughter, 24; involuntary manslaughter, 7; assault with intent to murder, 36; burglary in the night-time, 41; burglary in the day-time, 11; simple larceny, 68; larceny from the person, 1; larceny from the house, 14; larceny after a trust has been delegated, 5; other larcenies, 24; assault and battery, 14; assault, 8; assault with intent to commit rape, 5; arson, 5; robbery, 8; stabbing, 3; cheating, 3; swindling, 4; incestuous adultery, 1; bigamy, 6; fornication, 3; adultery, 6; forgery, 4; perjury, 3; seduction, 2; kidnaping, 1; bastardy, 1; rape, 1; bribery, 1; compounding felony, 2; malpractice in office, 1; aiding prisoner to escape, 2; road commissioner for neglect of duty, 8; intermarrying within Levitical degrees of affinity, 1; misdemeanors, 29; contempt of court, 1.

"Upon examination of the official record, I find that in many and in most all of the cases for murder, where a pardon has been granted before trial, the indictments therefor had been found before the late war, and some of them during the war, and that justice demanded executive interposition in behalf of the accused, as, in many instances, some of the most material witnesses on the part of the defense have removed beyond the jurisdiction of the State and others have died, while in several other instances the State, on account of the absence of some of its most important witnesses, has failed to prosecute the cases after the indictments had been found, and cases of that character were in abeyance on the criminal dockets of the several courts for years, postponed and continued from term to term, greatly to the annoyance and detriment of the accused party or parties. In addition to the meritorious circumstances attending such cases, pardons of that character have generally been most earnestly recommended by the senators and representatives of the districts and counties, together with the most highly respectable citizens of the county or vicinity where the crime was alleged to have been committed, and, in some instances, by the officers of the court in which the indictment was pending.

"Of the 15 cases in which the sentence imposed was commuted from death to imprisonment, 6 were commuted to imprisonment for life, 4 to imprisonment for ten years, 1 to imprisonment for five years, and 4 to imprisonment for one year.

"Of the 24 cases of voluntary manslaughter for which pardons have been granted,

one of the convicts served his full term, and was simply restored to civil rights, while the sentence of three others, on account of the circumstances attending the commission of the offense, was commuted to one year imprisonment each—the shortest term of punishment prescribed by law.

"I find, upon further examination, that many of the convicts pardoned of the offense of burglary in the night-time had served each from four to five years, in pursuance of their respective sentences, which in every instance was imprisoned for life, and that all the pardons to that class of convicts were granted since the general assembly, in its wisdom, has deemed proper to alter and amend the statute reducing the punishment for burglary in the night from death or imprisonment for life to imprisonment for a less period.

"In the case of the person pardoned of the offense of incestuous adultery, pardon was recommended by the judge of the superior court before whom the convict was tried, on the ground that he had been sufficiently punished, having nearly served out his full term.

"While several of the pardons granted for the offense of simple larceny were for horse-stealing, yet most of them were in such cases where by the law the act committed is recognized as a misdemeanor only, for which the punishment generally imposed varied; as, for instance, in some cases imprisonment in jail, in others imprisonment and a fine, and in others work on the public works and a fine, or, in some cases, all of these punishments, as the judge presiding at the trial, in his discretion, deemed proper. In many of these cases, where the prisoner was too poor to pay the fine imposed, that alone was remitted or reduced to a smaller amount. In many of the cases where pardons were granted for the offenses of assault with intent to murder, assault and battery, stabbing, &c., it was generally upon the recommendation of the prosecutor in the case, the party injured by the commission of the offense. Among the 29 cases of misdemeanors for which pardons were issued, I find most of them to be for using opprobrious words, enticing and decoying servants to leave employer, riot, vagrancy, &c.

"As a general thing I find that nearly every one of the persons pardoned served some part of the term of his sentence, and that pardons were only granted upon the solicitation of the most well-known and respectable citizens of the counties from which said convicts were sentenced; while, in many instances, pardons were granted to those only who had nearly completed the term of confinement imposed upon them, upon the recommendations of the officers and lessees of the penitentiary, for good behavior, or on account of such physical disability as made them unfit to perform manual labor, and would have, had they been kept in further confinement, probably caused death. Where pardons were granted for good behavior, they took effect one or two days before the expiration of the term of confinement imposed in the sentence of the court.

"Pardons have been refused in the following cases, to wit:

"Murder, 10; manslaughter, 5; assault with intent to murder, 4; burglary, 4; horse-stealing, 3; simple larceny and other larcenies, 8; rape, 2; assaults and assault and battery, 7; riot, 1; forgery, 1; cheating and swindling, 1; perjury, 1; robbery, 2; stabbing, 2; fornication, 1; adultery, 1; bastardy, 1; receiving stolen goods, 1; carrying concealed weapons, 2; playing and betting, 1; and other misdemeanors, 3.

"Very respectfully,

"R. H. ATKINSON,
"*Secretary Executive Department.*"]

Answer. In referring to the subject of pardons by the executive, I referred to them, whether the allegation be true or not true, as the basis upon which many of these violent acts have been committed. It may be that the extent of these pardons has been exaggerated; but these people have believed that the offenders would go free, and that in many cases has been the motive of their action, rather than any other cause whatever. I know nothing personally of this whole subject of pardons. I had to take my information as I received it from persons in whom I can place confidence.

Question. The only instance I can recollect, of which we have had an account of a pardon being given, was of a negro whose name is somewhere in the evidence: I do not remember it now; I think his name and the locality of his crime are given, neither of which do I happen to recollect at this moment. The negro man had found a white man in bed with his wife, and sought an opportunity and slew him. He was tried, convicted, and sentenced to be hanged, but his punishment was commuted to imprisonment for life. Do you think a case of that kind would be censurable, from that state of facts?

Answer. Well, I should think not. I should think if anything would justify a man in killing another it would be such facts as those.

Question. If a white man had done that, would he have been punished at all?

Answer. I think not.

Question. If a white man had found a negro under similar circumstances the community would have justified him in taking the negro's life, even by the most cruel and barbarous torture, would they not?

Answer. I think that the offense would not be tolerated in any State of the Union. If a man found another in bed with his wife, and should take his life, I do not think he would be blamed. I suppose similar circumstances have occurred in the North, and the man has not been punished.

Question. You say that sensuality among the negroes has been on the increase since the war. Do you mean sensuality among themselves *inter se*, or sensuality between the white race and the colored race?

Answer. I think it has diminished very greatly between the white race and the negroes, for this very obvious reason: in case of offspring being the result of such intercourse on the part of a white man with a negro woman, the white man would be bound now to support that offspring. Among the negroes no such obligation can be enforced, for if a child is sworn to a colored man there is no way by which you can make him support that child; and you cannot put him in jail, because that would be an expense to the county. This subject is one we have frequently under our consideration, and we do not know what to do with it.

Question. In what particular form does this sensuality of the negroes to which you have referred exhibit itself? You say it has diminished between the two races?

Answer. I think that in regard to themselves, I must be governed very much by the information I received from medical men. They tell me that this vice is so common, particularly in cities, that, as I have already remarked, a very large proportion of the negro females are very seriously diseased.

Question. Then if it has diminished between the races it must have increased among the black people themselves?

Answer. It has. And in connection with that, so far as I have been informed, I fear that means of destroying offspring have very greatly increased. Under the old system it was an exceedingly difficult thing on our larger plantations to prevent infanticides; the mistress of the plantation had constantly to interfere to prevent children being smothered, or something of that kind, at birth, even when the mothers did not have the expense of rearing them. But now the females among the negroes have become demoralized to such an extent that that vice is very much increased, because, as they are now, they would be compelled to support the child, and that they do not wish to do.

Question. Do the negroes confide in you now, and have they done so since the war?

Answer. All that I have been thrown into anything like a familiar connection with I think do.

Question. Do you think if they had been whipped, outraged, and set upon by lawless bands, they would come to you and make complaint?

Answer. O, yes, sir.

Question. Have any such come to you?

Answer. No, sir; because no such instance has occurred within my knowledge.

Question. You are well known here as an editor of a paper?

Answer. Yes, sir.

Question. Do you think if a negro had been outraged in his person anywhere in this State, he would come to you and let it be known to you, and make application to you for redress?

Answer. If he knew me and knew of me he would be very certain to do it.

Question. But as a matter of fact no one has done so?

Answer. No case has occurred within my knowledge.

Question. You have never heard of one?

Answer. I have heard of them at a distance, but none have occurred within the scope of my acquaintance, except the one case I referred to in our county, where a man was murdered and the murderers were arrested, tried, convicted, and sentenced for such outrage.

Question. Do you suppose the men who are engaged in these unlawful bands would counsel with you, or let you know about it, would advise with you?

Answer. No, sir; I have no idea they would, because it is illegal, a thing which a person might wink at, as a matter of necessity, but yet he could not, of course, approve of it if presented directly to him.

Question. What do you mean by "wink at, as a matter of necessity?"

Answer. I mean this, that there are a great many things in this world that we are compelled not to see, where there is no law, and vice exists, and men undertake to control and eradicate that vice by associations, to a certain extent illegal, but in their opinion justifiable under the pressure of circumstances. Those are cases in regard to which I used the expression "winked at."

Question. Do you think there are any parts of this State where the law is inadequate for the suppression of crime?

Answer. There are a few parts, in the mountainous region, where the law in itself is not, perhaps, inadequate for the suppression of crime, but where bad men, the class of men I have referred to, have so many means of obtaining false testimony, and

securing their acquittal when charged, where the difficulties of having them condemned are so great, where the population is so exceedingly sparse, that you may say that, in those instances, the administration of the law is defective, and there those men have taken it into their own hands. But the remark does not apply at all to the settled portions of the country, where, I think, the civil law is abundantly able to take care of all offenders.

Question. I will read an extract from a letter I have just received:

"One poor old man from Union County comes to my camp with a most piteous tale. The Ku-Klux raided upon him and his family, dragged them from their beds, whipped and maltreated him, and his wife, and children almost to the point of death, one of his little sons having since died from the effects of the treatment he received."

Do you suppose such an offense as that, if it occurred, could be punished?

Answer. If it was not it ought to be, and I think it would be punished. I do not know the condition of things in Union County as constituting it an exception to the rest of the State. But if such an offense as that were committed in any portion of the State which is civilized, as I might say—for there are portions which are hardly so—such an offense would be most promptly punished by the law. In that wild, mountainous country, society is almost primitive in its condition, and, perhaps, there are cases occurring there where offenders go unwhipped of justice.

Question. Did you ever hear of a man of the name of Doctor Ayer, a member of your State senate, who was killed in this State?

Answer. Yes, sir; the name is familiar to me. There were several cases of men killed.

Question. You have no particular recollection of that case?

Answer. Not of the features of it; my recollection is that there was such a man a member of the senate, who was killed; but I do not recollect the circumstances.

By Mr. BAYARD:

Question. How many years ago was that?

Answer. Two, or three, or four years ago.

By the CHAIRMAN:

Question. Do you recollect the killing of Senator Adkins?

Answer. I recollect that.

Question. Do you recollect the killing of Mr. George W. Ashburn?

Answer. Yes, sir.

Question. Do you recollect the killing of a colored man by the name of Walker, who went from here down into Southwestern Georgia as a political speaker?

Answer. Yes, sir; I do.

Question. Do you recollect the whipping of a colored man, a member of the legislature, by the name of Colby?

Answer. I may have heard of it, but I do not recollect it now.

Question. Do you recollect anything of the visiting and shooting of a colored man of the name of Ivey, a Baptist minister, and the beating of his wife, who was the teacher of a colored school?

Answer. No, sir.

Question. Do you recollect anything of the shooting of a colored man by the name of Turner, who was elected to the legislature from Putnam County, who was shot in the town of Eatonton by his unsuccessful opponent at the election?

Answer. I recollect the case, but I do not recollect the circumstances. I live very far from the locality of those occurrences.

By Mr. BAYARD:

Question. You mentioned that you had been in the army?

Answer. Yes, sir.

Question. When did you enter the army, and under what circumstances?

Answer. I entered the army in 1862.

By Mr. SCOFIELD:

Question. Which army?

Answer. The confederate army. I was then living in Bartow County. It is proper for me to say, in explanation of that, that I was a sworn opponent of secession and received a great deal of severe censure for my opposition to it. But when the State seceded I felt it my duty to go with my State, from my ideas of paramount allegiance. When my section was threatened with invasion, I felt it my duty to take up arms, on the principle that my house and family were to be destroyed, and on the scriptural plea that a man who does not provide for his household is worse than an infidel. I sought to defend them, and to do that I served in the army during the war, at the same time carrying with me all the convictions I had when I entered the army.

By Mr. BAYARD:

Question. You have stated the fact that in an early period of your life you were engaged voluntarily in teaching negroes in Sunday-schools?

Answer. Yes, sir; while I was in college.

Question. That was entirely voluntary upon your part?

Answer. Yes, sir; entirely so.

Question. And gratuitously so?

Answer. Of course.

Question. At the time there was some opprobrium in the minds of some men connected with such a course?

Answer. Yes, sir, and leading to the results of which I have spoken.

Question. Since the war your daughters have taught negroes at your own house, both children and grown people?

Answer. Yes, sir; and gratuitously, of course.

Question. How many of your daughters were engaged in that?

Answer. Two or three of them; I have four daughters, and they undertook it in order. That was continued until they got a school at Kingston. We have one in our village, a mile and a half from us, which is taught by a colored man.

Question. The origination of the system of teaching negroes there was with your daughters?

Answer. Yes, sir.

Question. Have you found that the eagerness of the negroes to be instructed increased or diminished when it became lawful for them to be instructed?

Answer. Very much diminished. At first they appeared to be like children with a new toy, pleased with it.

Question. With the novelty of the thing the desire has worn off?

Answer. I cannot say worn off, but diminished.

Question. You have spoken of the deficiencies of this people in some respects. Having been among them a great deal, I will ask you whether from your estimate of the mental power and moral qualities of the colored race you deem them reliable witnesses to facts that have occurred? Would you consider their testimony in a court of justice as reliable?

Answer. In a case where their own interests are concerned I should say not. They feel very little of the sanctity of an oath.

Question. The sense of truth then is not particularly strong in them?

Answer. No, sir.

By Mr. SCOFIELD:

Question. If a negro were to come to you and give you the details of his having been whipped, scourged, and beaten the night before at his house, and told you that men came there in disguise and took him out and whipped him, and showed you his lacerated body, would you believe it?

Answer. If he showed me his lacerated body I would believe him.

Question. If he gave you all the details of the raid upon him you would not believe them?

Answer. I would have to inquire into the facts. If he gave me the proof of a lacerated body, I would believe him, and avenge him if in my power.

Question. You would believe the wounds but not him?

Answer. Yes, sir. I would not positively disbelieve him, but I should want further proof.

Question. Would you want him corroborated by one of the men who whipped him?

Answer. No, not that. I would want to ascertain the facts precisely as they occurred, in whatever way I might get the information.

Question. You could not ascertain them in any other way, could you?

Answer. I could ascertain them by the proof of parties who might be present and not participate.

Question. That might be possible, of course; but generally a swarm of white men go into the houses and catch one or two negroes, according to the proof that we have here, and they do not call upon men of your principles and feelings and professions to act as witnesses, but they go in the night-time.

Answer. I know that much, and I am sorry to say it, for there is not a person living who has a more kindly feeling toward that race than I have. But I am sorry to say that their tendency to untruth is so strong that we all have to be exceedingly cautious in receiving their statements.

Question. Your extreme kindness to the blacks, I understand you to say, would lead you to re-enslave them for their own benefit?

Answer. Not now. I was asked the abstract question whether the abolition of slavery was for their own benefit or not, and I answered I thought it was not for their benefit; but I would not agree to any attempt now to re-enslave them, because of the impossibility of so doing.

Question. But your kindness to the blacks would induce you to wish them back into that better state of bondage?

Answer. I could wish it had not been interrupted.

Question. For the good of the blacks?

Answer. Yes, sir.

Question. I suppose that almost all the blacks differ with you in opinion?

Answer. Yes, sir; the majority do; though I have met a large number who have been perfectly satisfied that they were better off in their old condition.

Question. The institution must have been a tolerably brutal one to have so brutalized them as that they should regret when their shackles were stricken off.

Answer. It would have been if the parties concerned had been of your race and mine; but there is the difference.

By Mr. LANSING:

Question. Do you think the state of slavery was one tending to cultivate their truthfulness and chastity?

Answer. Better than their present condition.

Question. Do you think they were improving in that respect as a race?

Answer. I cannot say they were particularly.

Question. Were they not becoming worse and worse every day they were in slavery?

Answer. I do not know that they were worse.

By Mr. SCOFIELD:

Question. You can do this justice, I think, to most of the white men of Georgia, to say that they do not coincide with you in that opinion. I have not seen a white man down here, democrat or otherwise, who has not said he was glad the institution of slavery was abolished.

Answer. I have spoken of the blacks entirely. I was asked the question also with regard to the whites, whether I considered that the abolition of slavery was better for the whites, and I declined to answer the question, because there has not been time for that.

By the CHAIRMAN:

Question. Have you seen any negroes going about trying to find a master?

Answer. They would hardly be so silly as that, because they could not find a master—I am wrong in that; I have been asked by a negro to purchase him for the rest of his life for $300.

Question. What was he going to do with that $300?

Answer. I did not ask him.

Question. Have you been in the colored college near this city?

Answer. I have desired to go there, but I have not been able to do so.

Question. How many pupils do you understand they have there?

Answer. I know nothing of the institution.

Question. Is it possible that a gentleman so friendly to the colored race as you are has never been near an institution of that kind, where the experiment of educating that people has been going on?

Answer. If you were in our condition here, pressed as we have been since the war with the necessity of day by day getting our daily bread, you would find that there were things apart from your daily avocations which you might desire to do, and not have an opportunity to do.

Question. You have not been able to find the time?

Answer. I have not. I desired to attend their examination, but I have not been able to do so.

By Mr. LANSING:

Question. There is nothing disreputable, in the estimation of your white fellow citizens, in visiting such an institution?

Answer. Certainly not. Governor Brown, who was a witness here to-day, and other prominent citizens were there.

Question. You did not fail to visit there from any such consideration as that?

Answer. I never allow such considerations to affect me at all.

ATLANTA, GEORGIA, *October* 31, 1871.

T. G. CAMPBELL (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what position you now occupy.

Answer. I am fifty-nine years old; I was born in the State of New Jersey, and I now live in Darien, McIntosh County, Georgia; I am a minister of the Zion Methodist Episcopal Church.

Question. Where were you during the war?

Answer. I came to South Carolina the second year of the war—to Beaufort and Hilton Head.

Question. When did you come to Georgia?

Answer. In 1864.

Question. What position did you hold when you came here?

Answer. When I came down I came down as governor of the islands of St. Catherine, Sapelo, Ossabaw, and other islands, my jurisdiction to extend upon the shore of the main-land as far as I could reach anywhere within thirty miles.

Question. That was before the war had closed?

Answer. Yes, sir.

Question. After the close of the war and your magistracy had ceased there, when did you come upon the main-land of Georgia to live; or, perhaps you were on the main-land all the time?

Answer. I was backward and forward; on account of the rebellion my headquarters were upon the islands. I came on the main-land to make my residence in 1867.

Question. What positions do you hold there?

Answer. I am now justice of the peace of the two hundred and seventy-first militia district.

Question. Do you hold any State office?

Answer. I am State senator from the second district.

Question. You are a member of the State senate at the present time?

Answer. Yes, sir.

Question. Did you canvass your district before the election?

Answer. Yes sir.

Question. Did you have any difficulty in making the canvass?

Answer. Well, I had this difficulty, that everywhere I was threatened, no matter where I went, in my own district or in the adjoining district, because I was a republican. They said I was a damned radical, and had no business to be making speeches to the negroes.

Question. They were not willing to allow you to speak to those of your own race and color?

Answer. No, sir. At one place in Liberty County they swore that if I went there they would shoot me down on sight. I had made an appointment for a meeting there, and I said I would go. I went; there was a large body of people there. There were some threats used, but finally they concluded to let me speak; that is, they went away. Some said I had no business to be there talking with negroes; but the negro people began to swear, too, and as they out-numbered the others three to one, the others left. I could not go into Tatnall County; I found they had too many guns for me there. I went there, and I was poisoned. During the time of the registration I was taken out in the county. I was very unwell, and not expected to live, and stopped at a place to rest myself. There came about thirty to my room who said they were gentlemen; but some of them were a hard looking set. Some were quite gentlemanly, but their course was rather singular. I was lying upon a bed, and there were one or two sisters of the church fanning me, as they thought I would faint. I told them there was no danger of my fainting; that I was subject to those spells, and that all I wanted was rest. Those gentlemen came there and inquired if that "nigger registrar" was not there. They were told I was there, and they came in and said to me that those white men had come, and they asked what I should do. I said that I would do nothing, and told them to ask them to come in. The room was about half the size of this room, and I am certain there were not less than twenty-five inside of the room, and a lot outside of it. They said I must make a speech; that they wanted to hear a radical speech. I said, "Gentlemen, I am too unwell to speak." They said, "You must speak; get up and speak." One of those gentlemen was a member of the last legislature that we were expelled from. He was unseated when we came back and got our seats. He was a representative from Tatnall County.

Question. When the colored men were reseated he was unseated?

Answer. That is, he could not take the oath. He was among the crowd in my room then, but I did not know it at that time. The way I found it out was this: I went into the house of representatives here one day when it was in session. I thought I recognized him as one I had seen somewhere before. I looked at him pretty closely, and he got up and said, "Senator, how do you do?" I said, "I am quite well." He said, "I am the member from Tatnall County; do you recollect me?" I said, "I have a vague recollection of seeing you, but I cannot fix where I saw you." He said, "You recollect the afternoon that you spoke for us up in Tatnall?" I said, "I recollect you now; that was a singular transaction."

Question. Go on and tell us what was done.

Answer. They said they wanted me to deliver them a radical speech; they urged me to go out. One of the colored men whispered to me, "You had better go with them." I said, "If you will help me I will go." I put my arm over his shoulder, and he supported me out. He took me to the piazza and helped me up on it, for I was too unwell to walk alone. I delivered some words of exhortation to the colored people first, and then to the white people, and exhorted them all to do their duty to God and man.

Question. What was done?

Answer. They stood there and looked on, and I heard them whisper and say, "He is almost gone." Another one said, "Yes;" and then one said to me, "Old fellow, you can go back." Then this colored man helped me back into the house. Of the registrars who were with me, Mr. Pease is now in Darien, and the other man is dead. He was a republican, and I say he was poisoned, and I believe it.

Question. Where?

Answer. There, at that time; he died, and I recovered.

Question. What reason have you for believing that you were poisoned?

Answer. Simply from the consequences; before that I was perfectly well. I was taken with vomiting, and suffered a great deal with burning in the stomach, but I recovered. He complained to me of burning in his stomach. He drank some water, and asked me if I would not take some, and I said no. That water seemed to act upon him like a man who had been taking a great deal too much drink. He just seemed to sink, and presently fell against me (we were in the wagon together) and almost knocked me out of the wagon. He continued to get lower and lower, and that afternoon we got to Darien. I said to them, "I don't know what is the matter with this gentleman; he is getting worse and worse, and I think he is poisoned." Mr. Pease took charge of him, and took him to a boarding-house. About 8 o'clock at night he seemed to revive, and in the morning he walked about a few steps, and then died a few minutes after. No investigation was made, though I said I thought he was poisoned, as I believe I was myself. Mr. Holcombe said that a lady told him that I would be poisoned. I was advised to go no further in Tatnall County, and I went no further for fear of poisoning or violence.

Question. There was no examination?

Answer. No, sir; and would not be upon anybody who died, unless it was as I have done in some other cases, by a coroner's inquest called by myself.

Question. After you were expelled from the legislature did you return home to Darien?

Answer. No, sir.

Question. Where did you go?

Answer. Right on to Washington, to represent the members who were expelled. They selected me and my son to go and represent them, and to try and keep out the Georgia senators.

Question. When did you return to Darien after going on to Washington?

Answer. I returned immediately to Darien after returning from Washington. I was on North about five weeks. The second day after we were expelled I went on to Washington.

Question. After you were expelled and returned did you continue to exercise your office of magistrate?

Answer. I did, under continual threats.

Question. Were you here last winter in the legislature?

Answer. Yes, sir.

Question. When did you then return to Darien?

Answer. Immediately upon the adjournment of the legislature here. It appears to me there was something that occurred immediately upon the adjournment of the legislature. There was some considerable excitement here; I do not recollect now whether I went immediately to Darien, or whether I went to Washington. I would have to look at my diary to see about that. [After a pause.] I recollect now; I went directly to Savannah immediately upon the adjournment of the legislature, and from there I went down to Darien.

Question. Have you remained there ever since?

Answer. Yes, sir, with the exception of going to Washington last winter. I went there with regard to the Ku-Klux bill, to urge the passage of that. We were fearful to have the State go into the Union without the General Government held some means to control the action of the State in case they should try to drive us out of the different counties, which we were fearful of.

Question. Has any attempt, to your belief, been made upon your life?

Answer. Certainly. I believe as I sit here before you to-day, and as I have laid my hand on that book, [pointing to the bible,] that I would not have been alive to-day if I had not come away at the time and in the way I did come.

Question. What makes you think so?

Answer. Simply for the reason that threats were made by parties, and from notes that

I received before going to Darien, after coming from the Columbia convention. I did not stop in Savannah.

Question. Give dates as near as you can.

Answer. I went to the Columbia convention on the 17th of October. The convention met on the 18th of October, at 12 o'clock, and I went there the day previous. On Sunday, which I think was the 21st, I preached there in the morning at the Methodist Episcopal church, and then I immediately took the train, after service, and started back to Augusta, to go immediately to Darien for the purpose of attending to some business in my court. I arrived in Savannah Monday morning at ten minutes to 6 o'clock. I passed right through and went on to station 3 on the Gulf railroad, and got a horse and wagon there to take me to Darien, about forty-two miles, I think. I arrived in Darien that night at 11 o'clock. I found everything very quiet about my house, and was a little surprised to find that there was no light, even at that hour, because we usually kept a light. I rapped at the door, and after a little while my wife came and inquired who was there. I answered, and she opened the door and said, "Be very quiet. Have you seen Tunis?" I said, "No." She said, "Where did you miss him?" I said, "I don't know." I went into the house, and said, "Why is it so dark here?" She said, "There is danger for you; they are determined to kill you before you go to the legislature." I said, "You are foolish; they have been killing me for the last six or seven years, and I am not dead yet." She said, "It is true; they say you will be killed before you can get away." She called one of the men on guard, and then they called in a neighbor; and then they sat down and told me what they said was told to them by parties who heard the parties tell it. I wanted them to give the names, but they would not. They said I could save myself by leaving immediately, and if they told the names, and it was found out, they would lose their lives. I said, "Do you want me to go to-night?" They said, "Not to-night, because they don't know you are here now." Upon that I sat down quietly to think what I should do. I concluded to meet the court at ten o'clock and adjourn the cases before it, and leave as quickly as I could. I kept in the house, for I was warned not to go out of the house at all. In the morning, about 9 o'clock, a young man, who is my adopted son, came to me and said, "Father, I have some news to tell you, but don't let on to mother about it; she has heard enough already. Don't you leave the house on any account at all." I said, "What is the matter, Eddy?" He said, "They are sworn to kill you; I don't want to tell you who told me at all, because I would break my word if I told. They wanted me to warn you to not come to Darien, but to go to Atlanta and get protection there if you can." I said, "Are things getting worse here?" He said, "Certainly, so far as you are concerned; they mean to kill you." But he would not tell me who the parties were who told him. He went away, and then it was like Job's comforters; men and women came to me continually with the same story. Finally I found out from one man this: that a family by the name of Todd, whom the rebels have always looked upon as one of their best friends—he was a free man during the time of slavery——

Question. Was he a colored man?

Answer. Yes, sir. He is a friend of mine, and he was told by certain men certain things—for him to keep secret, I suppose—what they were going to do. They said to him, "That senator will always carry this county as long as he lives; that old fellow is now in better health than ever, and he must be got out of the way." They told Todd this because he does not vote or do anything. He told his wife, and his wife told a woman, who told me. Mr. Todd came to my office, and I began talking with him, but I could not get anything out of him at all but this: "Things are very bad here; do you intend to leave, senator?" I said, "I don't know how soon, Mr. Todd." I left the office and came out by the door, and I met the judge of the ordinary's court. I said to him: "Judge, what is all this about? They say they are going to try to kill me; is it worse than before?" He said, "Nothing more than usual, I think; they are afraid, I think, of the boys who are around here so thick with their old United States muskets." I went to my house, and a friend said to me, "Don't leave your house at all; if you do, you will be shot down as sure as you leave it." This was the day after my arrival there. I went into the house and sat down, and began to think the matter over in my own mind. Looking at the different things I knew myself, and seeing certain men about the city, Mr. James Laquerson, who told me I could not stay in Darien, or in Georgia; he notified me in my own court in 1869 that I could not hold any more courts there, for it was a white man's government. I saw him about there, and several others—Joseph P. Ghilson and two or three other men, that I knew were about no good. I began to think pretty seriously over the matter. Night came on, and we had our guards stationed as usual. When I was taken to Savannah they undertook to burn my house, but they were discovered; they brought a light out and put it under the steps, as it was found afterward. But I will go on with what I was stating about this matter. This was the first day I had that conversation, and I was very restless the whole night. There was a great deal of whistling around, and whenever you hear that you may be certain there is some devilment afloat.

Question. Were they Ku-Klux whistles or ordinary whistles?

I call them Ku-Klux, but they are nobody else but the white people of Mcnty.

What I mean is, was it whistling with the lips, or by means of some in-

I think it is done by putting the fingers in the mouth, as we used to do ere boys, and whooping to one another with a whoop like that, [illustrat-, when there are noises like that we know there is some trouble brewing. y wife, "I had better clear away from this; things are a little dubious about e said, "You would not believe what we told you; you will be killed if you e." I got up in the morning and saw the window of the ordinary's office r than I have ever seen it open before. I went over there to see what was e took me into a private room and said to me, "It is worse than I have ou must get away from here in some way, or if not, you will be killed." I e is going to do it? Do you know the people?" He said, "I don't know; s one thing, I have got information from parties, but they will not come for- swear to it." I said, "Do you intend to allow me to be killed in cold blood nty?" He said, "Both men and women have been to me this morning and ad better get you to go away from the county as soon as you could; you ack to the legislature, and you talk about going before the Ku-Klux com- said, "I shall go before it if I get up there." He said, "Then keep quiet lip off before the boat goes; the plan is to kill you when you are going on oat, or while you are going up to Savannah in the boat." I said, "I can have a wagon and horse here, and the man who drove me over." He said, p dark; we can fix them." I said, "Have you that money collected?" No." I said, "You must get me some money, and I will go away to-night." on Thursday at a quarter to 7 o'clock. I had this man take my trunk and apers and my son's things and put them in a wagon in a neighbor's yard, e go off into the woods. I put on a different hat from that I was accustomed ad I went off after him, and got off in that way; that is the way I came I am satisfied that if I had not come away the way I did, I would not way at all. There is a firm there of the name of Strain & Haywood; I s been able to get all the money I wanted of them, allowing them to draw ch for it, where I have money. I went to him on Thursday at 12 o'clock, not get the money as to see how his pulse appeared to be. He is a grocer, a and an honorable man, and I believe him to be a gentleman. I went to ked him to let me have thirty-five or forty dollars. I did not owe him any- ave paid him all I owed him, although at times I have owed him $100 or said, "How soon do you want it?" I said, "I would like to have it now." If you will wait until Monday or Tuesday I will let you have it."

That was yesterday or to-day?

Yes, sir. He said: "I have got it, but a vessel may come in from New York , and if she does I may want that money to pay freight, &c. On Monday I will accommodate you." I looked him right in the face; his countenance nd he turned a purplish white. When I looked at him first he looked like saw something dreadful; he dreaded to see me there. The fact is, he be- he was talking to a man who was doomed.

You are satisfied it was intended to take your life so as to prevent your e?

Yes, sir, to prevent my coming before this committee. I am charged in my h having gone on to Washington, and, with my devilishness and lies, caus- ill to pass, in order to have the radicals rule Georgia, and they are deter- et me out of the way.

How did they find out down there that this committee was in session?

I do not know how that was. My wife asked me when I came back if the was not in session. They said I had better go away, because it was rumored mmittee was in Georgia.

What was it they were afraid you would tell, or that you wanted to tell?

They knew this: I told them there that I saw some rascality they were com- Darien upon some sailors there. They undertook to put them on board of l send them away when they had signed no articles. I notified them that was unjustifiable before God and man, and I said they ought to be brought Ku-Klux bill and dealt with for interfering with the rights of those men.

Were they white sailors or colored sailors?

They were colored sailors. Then they arrested me for that under the Ku- nd took me to Savannah.

When was that?

It was in August; I have not the precise date; it was eight or nine days te that letter on to Washington.

What was the precise technical charge upon which they arrested you?

They charged me with preventing Captain John Irving, who was an Eng-

lishman, and Mr. Carl Eppings, a citizen there, from exercising their rights as citizens of the United States.

Question. What rights?

Answer. The right of putting men on board their vessel whom they had no right to put there. When I got before the commissioner he discharged me at once.

Question. Was that the first and only time that you ever were arrested?

Answer. No, sir; I was arrested four times in one day previous to that.

Question. What were you charged with then?

Answer. The first charge was that of false imprisonment, for arresting a man for not complying with the order of my court.

Question. Holding him for contempt of court?

Answer. Yes, sir.

Question. What was the next case?

Answer. Another gentleman, Mr. Fisher, refused to pay the costs in certain cases where his store was robbed. He came to me and made complaint, and I issued four warrants and sent the officers, and they made search and got a great deal of his goods.

Question. Was there anything else?

Answer. He said he had been before courts before, and that I had no business, and that no other court had any business, to make any such charge as I had made upon him, and that he would not obey it. I said, "Mr. Fisher, I hope you will not say anything more." He said, "I will say it, and I will not pay it; you have no business to charge it." I said, "Mr. Fisher, if you don't cease this I will hold you for contempt." He said, "I don't care." I said, "I notify you now." He said, "I don't care." I then had him arrested for contempt.

Question. Those are two cases; what is another?

Answer. There was another case the same day. I was arrested for marrying a couple in Atlanta; the woman was white and the man was colored. It was about half past 10 o'clock at night that I was called upon. I went to a public house and married the parties. I thought the woman was a bright mulatto.

Question What was the fourth case?

Answer. I do not recollect the particulars of that case.

Question. What was done?

Answer. They arrested me, and then they would not take bail.

Question. What do you think was the reason for not taking bail; did you have good security?

Answer. I had good security, but the object was simply this: the officers of my court told me that they had irons to put me into, and then they were going to lock me up in jail until bonds were got that were satisfactory. The intention was to put the irons on me, and they knew if they undertook to do that the colored people would resist, and then I would be killed. I was told two weeks before that there were four men who were to come from an adjoining county and commit this murder.

Question. What adjoining county?

Answer. I was told from some county up the country. The man said they were to come in and be about Darien, and watch for me when I went to church at night, and then kill me, and drag my body off for some distance, and leave something by my body to show that the murder had been committed by the colored people.

Question. You are satisfied, without going into details, that that was a scheme that was entertained and attempted to be put in practice?

Answer. Certainly. They tried to call me out of doors.

Question. I will not ask you to give the evidence upon which your opinion is based; the fact is that you are satisfied that was the attempt, and that is all I ask at this time.

Answer. Yes, sir.

Question. Have you ever been kept away from your house; have you felt obliged to lie out?

Answer. I have been so situated that I did not dare to travel so as to reach my house late in the day, when I have been out; and I have been compelled to lie out night after night, so as not to meet with parties who would take my life.

Question. Do you own property there?

Answer. I do.

Question. How much?

Answer. I have three hundred acres of land; I own one house that has cost me $2,500, so far, and I have not finished it yet; and I own building-lots in the city.

Question. I do not want an inventory of your property—only a general idea.

Answer. I also own property in this city.

Question. What do you know of an organization sometimes called the Ku-Klux Klan? Is there anything of that kind in that part of the country?

Answer. We have an organization, and I have some little papers in my pocket that a man came to me with. I told him to keep quiet; that I was trying to get hold of

them. When I found the Ku-Klux bill was passed I held on to the papers, and I have them here now. They do not look like much, but they mean a great deal.

[The papers are as follows:

"henry frazer

"We see that you are buildeng on gerry Owens place You must stop at once and vacate in 30 days. When you leave set fire to all the houses or gins and be sure they all burn down as it will save us the trouble of doing it. do it in thirty Days, if you dont when we come we will treat you harshly. So get out in 30 days or you will have too suffer the consequences.

"tatnall county

"december 13nd 1800 & Seventy."

"Adam Stafford

"the object of this note is to inform you that you must vacate Jerry Owens place, he was run off and his house burnt. and now you ar building and improving it. You have been informed once not to do so. Now for the last time you must vacate the place in one month or you will be visited and dealt with harshly, so make your preperations to leave in 30 days or you will have to suffer the quensequances. When you leave the place set fire to all the houses and fences & burn them up. We will be to sea you in 30 days if you dont leave.

"tatnall County.

"december 13nd 1800 & Seventy."]

Question. They are both in the same handwriting?

Answer. Yes, sir. That man came to me for protection, after his place was burned down. These colored persons were building on his place, and they have been driven off.

Question. They burned down Mr. Owens's house?

Answer. Yes, sir; and I have his affidavit here. It is as follows:

"DARIEN, TWO HUNDRED AND SEVENTY-FIRST MILITIA DISTRICT.

"*Affidavit.*

"STATE OF GEORGIA, *McIntosh County:*

"Personally appeared before me Jeremiah Owens, who on oath deposeth and saith, that on or about the 7th of December, 1870, certain threatening or Ku-Klux papers were brought to me from (his) my place by Adam Stafford, a colored man, who was then a tenant on my place; and said papers are now in the hands of the justice of the peace of the two hundred and seventy-first district of said county. And the said Adam Stafford was also ordered to leave the place by the same papers that threatened the said Jeremiah Owens; and on or about a month after these papers were stuck up on the place of the said Jeremiah Owens, the fencing was set on fire, and after the removal of the said tenant, Adam Stafford, from the place, all of the houses were burned down. And said deponent verily believes that his life would be in danger if he were to go to said place to reside, as the following-named persons, citizens of Liberty and Tatnall Counties, told said deponent personally that he must leave the county of McIntosh: William Baggs, James Middleton, both of McIntosh County, and Madison Smith, of Liberty County.

"JEREMIAH OWENS.

"Sworn to before me this 10th day of June, 1871.

[L. S.] "T. G. CAMPBELL,

"*Justice of the Peace, Two hundred and Seventy-first Militia District, McIntosh County.*"

I intended to have forwarded this thing to Washington in case I could not arrest these parties and bring them to justice, because they are in Liberty and Tatnall Counties, both in my district.

Question. Did you understand why they exhibited this hostility towards Mr. Owens?

Answer. Merely because they said he shirked out of the war and sided with the Yankees. He was too old a man to go into the war, and a cripple at that.

Question. How old a man is he?

Answer. I should think he was older than I am.

Question. These colored people were building houses on his land by his permission, and these papers were sent to them?

Answer. Yes, sir; and where these papers were got there was a coffin marked on the ground. There was a notice sent to a gentleman opening a store in Darien, forbidding him to open the store there, or threatening that if he did he should be shot down.

Question. What objection had they to him?

Answer. Because he visited me.

Question. Was he a republican?

Answer. I do not think he was anything. He was a German, and there was a feeling against him because he came to me and asked me if I thought he could do well there, and I said I thought he could. He came to me in Savannah, as I was coming up here, and said to me, "How is it that I am treated in this way, when you said they would treat me well?" I said, "They are but miserable wretches who don't care for anything that is right; they only want to drive you away because they think you are my friend."

Question. What have they against you that they should treat you in this way?

Answer. They say it is because I am a damned radical.

Question. Has any proposition been made to you to join the democratic party?

Answer. A proposition was made to me when I was first carried to Savannah. When this letter [producing a letter] was brought to me, Mr. Gingalatt came to me and said, "You and I ought to be friends."

Question. From whom is this letter?

Answer. It is from Senator Scott, or from the clerk of his committee.

Question. How did they know you had received the letter?

Answer. I cannot get anything there without their knowing it. They used to open my letters, but I made a complaint about that, and I do not get them at all now. I cannot get anything, or if anything comes of any value to me it is kept so long that it is of no account when it comes to me. The letter I sent away, and which brought this reply, was sent by a United States officer. Otherwise I would have had to have sent it to Savannah in some other way.

Question. How is it with the post-office in your region; is there any trouble in circulating documents through it?

Answer. If you get any republican paper or document there it is long after it should be there. As for Mr. Swazey's paper, I have blamed him about it. I paid him for it, but I never got it; it came two or three times, and then it stopped. I get the New Era quite regularly now, but that is the only paper I can get. Democratic papers are sent to me; some five or six papers come to me, and I have made up my mind not to take them out of the office.

Question. Do you take northern republican papers?

Answer. Yes, sir, I take the Standard and the Tribune, of New York. But the Tribune is of very little use; in fact I have discontinued subscribing for it, for when I get it it will be two or three weeks old.

Question. When you say you received the New Era, do you mean the Washington Era or the Era of this city?

Answer. I had the New Era of Washington for a while, but I find it is of no use to me as a paper at all. I can take the Era of this city and the Standard of New York; the Standard comes sometimes irregularly, but the Era comes as regularly as a clock.

Question. Do you think the papers are taken out by other people who want to read them?

Answer. No, sir; I believe they try to prevent the circulation of any paper by which we can get any news or information circulated among us as republicans.

Question. Within your knowledge, how is it with respect to the education of your people; how about colored schools, &c.?

Answer. Our schools have been supported mainly by missionaries from the North. So far as we have been able to get up any schools they are supported now by them, and they are very good schools indeed.

Question. Are they molested in any way?

Answer. Not directly in my section, nor have they been. But in Tatnall County you cannot get one established.

Question. Why?

Answer. They would cut their throats. A gentleman from Tatnall County, who was postmaster there, came to me here and made a representation. While I was there he treated me very kindly; that is, he came to me and talked very kindly to me. The colored people of Tatnall County told me that he did not abuse them like other men, and that he was the best white man in that county, and I thought he was a very good man. He came up here during the first session of the legislature, before we were expelled, and wished me to represent him to Governor Bullock as a fit man to be judge in that district. Of course I did not know anything about him, but I went to Governor Bullock and told him that this man was there; that I knew nothing about him, but I knew one thing, that he was no republican and no friend of mine, although he professed to be a very good man. He came to me and asked me who I thought was a good colored man competent to communicate with in Tatnall County. I mentioned a man whom he had recommended to me, and whom I had stopped with there. He said, "Do you not think another man," and he gave me the name of the very identical man I actually was in communication with, and who was organizing the Leagues in that county; he gave me that man's name. I said, "Do you think he is a good man?" He said, "I think he is; and if you will give me a line to him, and let him know you

have seen me, and that I am all right, he will be a tip-top man to communicate with." I wrote to him that Judge Daly—that was the man's name——

Question. Has he been appointed?

Answer. No, sir; Mr. Sorrenci is the man's name, and he was among those who took me out that day. Judge Daly took this letter I wrote. I merely wrote that I had seen Judge Daly; that I was well, and that all things were going on nicely. Judge Daly took that letter to him, and two days afterward his throat was cut from ear to ear. He put the letter in the post-office, and the man there told that it was there, and he got it and took it home; and that night his throat was cut from ear to ear.

Question. By whom?

Answer. By men they called regulators; by these same fellows that we now call Ku-Klux.

Question. Were they disguised or in uniform?

Answer. I do not think his wife knew how it was, her fright was so great.

Question. How long ago was that?

Answer. That was in 1868 when we were expelled from the legislature; we were expelled two or three weeks after that.

Question. How have the elections been in your senatorial district; fair or unfair?

Answer. Unfair in every sense of the word. There has been cheating in every way that cheating could be done.

Question. How were the elections last winter?

Answer. They were unfair. The man who is representative here, Mr. Seldney, had in one precinct a majority against him of some twelve or fourteen, and in another precinct a majority of some four hundred. Yet he is defeated, and it was done on purpose to defeat him. He was fooled by the men that had that precinct open, and then they would not bring the votes to be counted, and he could not get them in according to law. They came into my district, and through rascality got a lot of tickets there to distribute. They were outwitted in some way, but it was not by me. The tickets were brought to my house, the person inquiring for another man, and thinking that I would be a man who would know where he was. He was a colored man, and came to me with the tickets. I saw they were the wrong tickets, and locked them up in my trunk. The tickets I should have had did not come. I went to Brunswick, twenty miles below us; hired a canoe and paid $4 for it; hired a carriage and paid $9 for that; went down to Brunswick and had skeleton tickets struck off, and then sat up all night and filled them up.

Question. By skeleton tickets you mean tickets without names?

Answer. Yes, sir.

Question. You are satisfied that there has been a great deal of malpractice in respect to the elections there?

Answer. Yes, sir.

Question. Do you know the last witness who was in here?

Answer. Mr. Howard?

Question. Yes.

Answer. No, sir; I have seen him, but never have made his acquaintance.

Question. To whom do the colored people look in this State, so far as you know, as their friends; upon whom do they depend?

Answer. They depend, in the providence of God, upon the republican party; and that is the trouble we are in. If it was not for that, the democrats would make no onslaught on us, and I am sure the republicans would not. That is the trouble we are in now.

Question. By which party are you attacked?

Answer. They are democrats, every one of them. I have the names of the leading ones now. No republican ever attacked me in my life.

Question. Or mistreated you, or insulted you in any way?

Answer. No, sir.

Question. No republican has ever been guilty of any offensive conduct towards you?

Answer. No, sir.

Question. How much security is there for republicans in this State, white or colored?

Answer. None at all.

By Mr. BAYARD:

Question. This affidavit which you have produced here was written by you?

Answer. Yes, sir. I intended to send it on to Washington.

Question. It is in your handwriting?

Answer. Yes, sir.

Question. Where in New Jersey were you born?

Answer. In a place called Bond Brook, in Middlesex County.

Question. How long did you remain there?

Answer. I was there until I was five and a half years old, and then I was sent north to school.

Question. Where did you go?
Answer. To Huntingdon, Long Island.
Question. How long did you remain there?
Answer. Twelve years.
Question. Where did you go then?
Answer. I then went home to my father's.
Question. In New Jersey?
Answer. Yes, sir. I staid there two years, and then went to the city of New York, and remained there until I came here.
Question. When you first went to New York, what was your occupation there?
Answer. I was a steward in hotels. I was the one that published a book called "The Hotel-keeper and House-keeper's Guide," a work on domestic economy.
Question. When was that?
Answer. In 1848.
Question. Where was it published?
Answer. In Boston.
Question. What house published that book for you?
Answer. Wiley & Co.
Question. How long before you became a clergyman?
Answer. I was then in the ministry; I was educated to go to Liberia, in Africa, but after I got my education I would not go.
Question. You remained in New York until when?
Answer. Until 1862.
Question. And you then went where?
Answer. In 1861 I was the agent of the unfermented bread manufactory, on the corner of Third avenue and Fourteenth street, New York City.
Question. When did you leave for Carolina?
Answer. In 1863.
Question. At what time of the year?
Answer. It was in the latter part of the summer.
Question. And you went to Beaufort?
Answer. Yes, sir.
Question. In what capacity?
Answer. I was sent down by President Lincoln, under the Secretary of War, Mr. Stanton, to organize civil government, to improve the colored people in the South wherever I could do it, and to see if I could make a success in what I proposed, that is, to instruct and elevate the colored race.
Question. Was it a salaried office?
Answer. They did not fix any salary for it; when I came there was nothing said as to what I should have; I brought down three or four thousand dollars of my own; I did not ask for anything; I sent a memorial to President Lincoln, setting forth that it would be wise for the Government, in the changed condition of things now taking place with the colored people, to have such instruction given them as would prepare them to be useful citizens of our Union.
Question. When were you made governor of the islands you have spoken of?
Answer. In 1864.
Question. Who made you governor of those islands?
Answer. The commission I received was given to me by General Saxton; that is, he told me that under the instructions he had received, I was to act according to my judgment; he said, "As you have selected Georgia, I think the best position you can take will be upon such and such islands."
Question. And he put you in control of those islands?
Answer. Yes, sir.
Question. Did you have any soldiers under you?
Answer. Yes, sir; I think I had twelve or thirteen, with an officer commanding for each island; then I organized the colored men to aid them.
Question. What number of colored men had you on those islands under your control?
Answer. I had altogether about two hundred and seventy-five, I think, on my muster-roll.
Question. How long before you moved over to Darien?
Answer. Well, I did not move directly over to the main land until 1867.
Question. You came off the islands, and on the main land of this State in 1867?
Answer. Yes, sir.
Question. Was your visit to the sea islands your first visit to the Southern States?
Answer. My first visit was to Beaufort; I could not go South before; they would have cut my throat.
Question. You came over to Darien about 1867?
Answer. I had been over there often before, but I did not come permanently to *Darien until 1868,* when I bought property there.

Question. You became a resident of Darien in 1868?
Answer. Yes, sir.
Question. That was your first residence in Georgia?
Answer. No, sir; when I was governor of the islands I was in Georgia.
Question. I am speaking of the main land; those islands are lying along the coast, and were in the military possession of the United States?
Answer. Yes, sir; but my jurisdiction extended to anywhere within thirty miles of the coast.
Question. When you moved over to Darien and bought this property, you became a fixed resident there?
Answer. Yes, sir.
Question. How did you buy the property; at private sale, or at tax sale?
Answer. At private sale; I had bought other property before that.
Question. You were then appointed, in 1868, a registrar, by Governor Bullock?
Answer. Yes, sir.
Question. And you made a registration at that time?
Answer. Yes, sir.
Question. Have you made any since?
Answer. No, sir.
Question. That was the first registration made in that country, and it was made by you as one of three men?
Answer. Yes, sir.
Question. And the poisoning which you allege took place in 1868?
Answer. Yes, sir.
Question. And when these men came into your room and caused you to come out and make a speech—— that was in the summer of 1868?
Answer. Yes, sir.
Question. After you had made the registration, can you tell the number of persons registered?
Answer. I do not know the exact number; I have in my portmanteau the exact number in the different counties.
Question. Can you give an approximation to the numbers?
Answer. In McIntosh County the registration amounted to something in the neighborhood of five hundred voters; in Liberty County it was a little over six hundred; and in Tatnall County it was some two hundred and fifty, or three hundred.
Question How many of those were white men?
Answer. In McIntosh County there were registered but a very small number, probably not more than fifteen or twenty, perhaps more; there did not vote but two white men there.
Question. All the rest of the votes were black?
Answer. Yes, sir.
Question. And with the other counties is about the same proportion?
Answer. Well, in Liberty County there were about six hundred colored voters, and perhaps there were two hundred white voters registered. In Tatnall County there were about fifty colored voters, and about two hundred and fifty white voters at that time.
Question. There was a preponderance of white voters in Tatnall County, and of colored voters in the other counties?
Answer. Yes, sir.
Question. Who was elected to the legislature from McIntosh County at the first election?
Answer. My son.
Question. You were elected as senator?
Answer. Yes, sir.
Question. Was he living with you at that time?
Answer. Yes, sir.
Question. Who was elected from Tatnall County?
Answer. Mr. Sorrenci.
Question. That was a democratic county?
Answer. Yes, sir.
Question. Who was elected in Liberty County?
Answer. W. A. Gaulding.
Question. He was a colored man?
Answer. Yes, sir.
Question. Those three counties were in your senatorial district?
Answer. Yes, sir.
Question. Then from the two counties where the blacks predominated they sent you and your son and Mr. Gaulding; you to the senate, and the others to the lower house?
Answer. Yes, sir.
Question. You went into the legislature in 1868?

Answer. Yes, sir.

Question. And you still hold your seat as senator?

Answer. Yes, sir; I am in an even numbered district; my term does not expire until 1872.

Question. At the time that these affronts were put upon you by the men entering your room—I understand you to say there has been no actual assault and battery upon your person since you have been in Georgia?

Answer. No, sir; only threats.

Question. There has been no actual personal assault upon you.

Answer. No, sir; a church was burst open where I was speaking.

Question. I am speaking about your person; no harm has been done to your person?

Answer. No, sir.

Question. At the time those persons entered your room and you were compelled to speak, when your associate and yourself, as you supposed, were poisoned, who was the military commandant of the State?

Answer. I think it was General Sibley.

Question. Where was he stationed?

Answer. A part of the time at Savannah.

Question. There was a military force at Savannah all the time?

Answer. Yes, sir.

Question. Was there a detachment of troops at Darien?

Answer. Not at that time; there were some sent down there, but they moved backwards and forwards.

Question. And when your friend died you took no steps to have any *post-mortem* examination made in his case?

Answer. No, sir, I was taken right home myself, and lay sick there for six months afterward.

Question. When were you appointed justice of the peace for that county?

Answer. Nearly two years ago; over eighteen months ago.

Question. Were you appointed by Governor Bullock?

Answer. No, sir; I was elected by the people of the county.

Question. And you have held the offices of State senator and justice of the peace together?

Answer. Yes, sir; that is an office that I can hold.

Question. Has your son held any other office than that of representative?

Answer. No, sir.

Question. Have you held any other?

Answer. I cannot hold any office except justice of the peace while I am in the general assembly.

Question. Those two are not inconsistent, and you have held both?

Answer. Yes, sir.

Question. I understand that you were arrested at one time under process for interfering with the shipment on a vessel of some colored sailors?

Answer. Yes, sir.

Question. Was that vessel going to sea from Darien?

Answer. Yes, sir.

Question. Loaded with cotton?

Answer. No, sir; loaded with lumber.

Question. Those men, you think, were shipped on board, as you considered, illegally?

Answer. Yes, sir; they showed that they were shipped illegally.

Question. Did you issue process against the persons doing it?

Answer. I did. The men complained of what had been done to them, and I arrested the captain for assault and battery.

Question. Did the men come to your office?

Answer. Under the laws of Georgia a master can arrest a crew which he says is insubordinate, and hold them for thirty days. He arrested those men. When the men came and made complaint of being unjustly held, they said they had demanded their wages, as their voyage had expired.

Question. Those men were under arrest, under process, and in prison at the time you issued your process against the captain for assault and battery on them?

Answer. Yes, sir.

Question. And the assault and battery consisted in the fact that he had arrested them and held them on board his vessel?

Answer. It consisted in the fact that he beat them with a belaying-pin as he had them in irons, coming on shore to put them in jail until the vessel should go. They showed me their wounds, and I complained that in that he had acted unjustly.

Question. What was the name of the vessel?

Answer. The name of the master was John Irving, and the name of the vessel was "Grace, of Hartlepool."

Question. To where was she freighted?

Answer. For Europe; for Havre.
Question. She was an English vessel?
Answer. Yes, sir.
Question. Those men had been part of her crew?
Answer. Yes, sir.
Question. And those injuries had been inflicted on board the ship when they were in irons and she was lying there in the stream?
Answer. At Doboy, twelve miles from Darien.
Question. Where did the captain obtain his process?
Answer. At Darien.
Question. The captain came up and obtained a process to hold these men until he should be ready to set sail?
Answer. Yes, sir.
Question. While that was so you heard from the men in jail that an assault and battery had been committed upon them while in irons, and you took out a process against him?
Answer. Yes, sir.
Question. What became of that suit?
Answer. The time for hearing was set at 10 o'clock the next day.
Question. Did the captain give bail?
Answer. O, yes, sir.
Question. You put him under bail?
Answer. Yes, sir. In the morning, at 10 o'clook, the warrant was returnable to my court. At 9 o'clock he had his warrant made returnable, and because, as it was shown at the hearing, he had no process, I had his case dismissed right there. He did not have the men arrested, but had them taken by force and put them in irons and brought them and put them in jail without any process.
Question. And the jailer had received them without a writ?
Answer. Yes, sir.
Question. What became of the suit before you?
Answer. The suit commenced, and, as usual, they overrode me right square through.
Question. Who did that?
Answer. The lawyers and the justice that was associated with me there, and the mayor. They took seats beside me on the bench as a court of inquiry. It was done as a piece of chicanery to work off what they wanted.
Question. And the result was that the man was discharged?
Answer. I had the warrant discharged and the men discharged. They were compelled then and there to go to work. I commenced the hearing upon my warrant, but they went and got out a new warrant and arrested the men in court, and took them away from me *vi et armis.*
Question. And put them in jail under the process of the law of Georgia?
Answer. Yes, sir.
Question. What became of your suit against the captain?
Answer. The men employed a lawyer there, Mr. William Dinwiddie, who had the men discharged. When that was done I issued a possessory warrant, and took their things from the vessel.
Question. What became of your suit against the captain?
Answer. After the men were discharged he tried various ways to get them upon the vessel, but was not successful. I told him he might as well settle up the costs so far as my court was concerned, because I was through with him, and the men who were there were clear. He said that he would pay; but there was a lawyer there who advised him not to pay, and who said I would be paid by the United States Government.
Question. I think you might answer a simple question. What was the result of your suit against the captain of the vessel for assault and battery?
Answer. You must see what was done. It was the purpose to get my court broken up entirely. They advised this captain to apply to the United States Government and charge me with this matter, which I have just stated to this honorable committee, for depriving him and his owner of their rights as citizens, and thereupon they arrested me and took me to Savannah. The men sued him for damages, and he is under bond for $26,000 damages.
Question. When was that?
Answer. Right in the fracas; I do not know exactly.
Question. What date was that?
Answer. It was in the month of July, 1871; it was before I wrote the letter.
Question. You held this captain under bail of $26,000 to appear in court?
Answer. Yes, sir.
Question. The warrant before the United States commissioner against you for this alleged misconduct was dismissed?
Answer. Yes, sir; and that closed the matter.
Question. You have that man under $26,000 bail?

nswer. Yes, sir.
uestion. Is that for civil suits for damages to those negroes?
nswer. Yes, sir.
uestion. For personal damages?
nswer. Yes, sir.
uestion. Is it their private action?
nswer. Yes, sir.
uestion. Who is this person that you imprisoned for contempt?
nswer. I imprisoned one gentleman by the name of Fisher for contempt.
uestion. Who was he?
nswer. A merchant there.
uestion. What was his contempt; did it grow out of the same affair?
nswer. No, sir; it was previous to that.
uestion. How long previous?
nswer. A little over a year ago.
uestion. What contempt had he committed?
nswer. He told me I had no business to collect the fees in my court which I rged.
uestion. Costs of court?
nswer. Yes, sir; that I had no business to collect them, according to the laws of rgia.
uestion. And for his statement of that fact you committed him for contempt?
nswer. For that statement, and also because when I told him it was no more than at the laws specified, and told him to be careful of what he was doing, he said he not care. I then committed him for contempt.
uestion. Where did you commit him?
nswer. To jail.
uestion. Did you not fine him?
nswer. I put him in jail for five hours; but he staid there for two days; would not e out before.
uestion. After that you were arrested for false imprisonment?
nswer. Yes, sir.
uestion. What has become of that suit?
nswer. It is still pending.
uestion. You were held to bail for that?
nswer. Yes, sir.
uestion. Before what court will that suit be tried?
nswer. The superior court of that circuit.
uestion. You say that you were again arrested on a third case, for marrying a te woman to a black man in this city?
nswer. Yes, sir.
uestion. Is not that an offense against the laws of Georgia?
nswer. Yes, sir.
uestion. And for that you were arrested?
nswer. Yes, sir, and discharged. I was arrested twice here, and had a hearing and discharged.
uestion. Was it not the fact that you had married a white woman to a black man ?
nswer. Yes, sir; but when the judge heard the statement of it he laughed at the le thing as a broad farce.
uestion. What was the name of that judge?
nswer. He is a judge right here in the city; but I cannot recollect his name; I am at recollecting names.
uestion. You spoke of holding court; of what does your court consist?
nswer. It is a justice's court.
uestion. What officers have you in it?
nswer. Two constables.
uestion. Are they both colored men?
nswer. Yes, sir; I have but one now; one is dead.
uestion. Your sheriff and deputy sheriff are colored men?
nswer. Yes, sir.
uestion. You spoke of coming up here to consult with Governor Bullock. D ernor Bullock consult you with regard to judicial appointments in this State? Y ce of some one who desired to be made a judge; was that of the superior cour
nswer. Or of the district court, either one.
uestion. And Governor Bullock consulted you as to the judges he should appoin
nswer. I am one of the senate that have to act on his appointments, and it is natu t he should consult me.
uestion. You had to vote as senator; but besides that I understand that, being a m mportance in the country, the governor consulted you?

Answer. Yes, sir; and these white gentlemen, democrats, as well as others, came to me in crowds to get my influence.

Question. Your influence with Governor Bullock was felt to be important?

Answer. That seemed to be the impression.

Question. One appointment was not made by Governor Bullock because you did not give your approval of it—some man who applied for a judgeship?

Answer. I said that Judge Daly made application to me and importuned me, so that, to get rid of him, I said I would speak to Governor Bullock about it. I said to Governor Bullock that I did not know him; that he was no republican, and no friend of mine.

Question. And Governor Bullock would not give him the place?

Answer. Certainly he would not give the appointment to a man if nobody would recommend him.

Question. Who is this Mr. Fisher that you imprisoned for contempt?

Answer. A citizen of Darien.

Question. What is his occupation?

Answer. A merchant.

Question. How old a man is he?

Answer. I could not say; I should suppose that he was a man thirty-five or thirty-six years old. I do not think he is older than that, and I do not think he is much younger.

Question. Is he a white man?

Answer. Yes, sir, and is a very respectable, nice man; only his idea was that he had no business to respect a court held by a negro.

Question. And you imprisoned him in consequence of that?

Answer. I did.

Question. And his contempt consisted in his saying that you had no right to collect costs from him?

Answer. Yes, sir; that and other things.

By the CHAIRMAN:

Question. What was his other language?

Answer. When I told him he would be in contempt, he said he did not care. I said that he should be careful, and he said he would not. I told the officer to look out for him, and I would issue a paper; and I did so.

Question. It was a question whether you should maintain the dignity of your court or be run over by him?

Answer. Yes, sir.

Question. And the statute allows you to imprison to the extent of five hours?

Answer. Yes, sir; and to impose a fine of five dollars.

Question. You did not impose the fine?

Answer. No, sir; Mr. Gingalatt told him to stay in and he would fix me.

Question. Has there been, on the part of a few men there, a constant and persistent effort to embarrass your action as a magistrate and to pervert justice?

Answer. Yes, sir; Judge Sessions here can tell you that. I asked him about that.

Question. Do you know of the appointment of a colored man as judge?

Answer. Yes, sir; Judge Syms.

Question. Of what court?

Answer. The district court.

Question. What jurisdiction has that court?

Answer. It tries cases that are higher than those in a justice's court. It takes up those cases which the justice's court cannot try. Our court has jurisdiction over civil cases of the amount of $100. The district court tries all cases over that amount, and also cases of appeal from justices' courts, and also criminal cases. We cannot try criminal cases in a justice's court. The district court tries mainly criminal cases, so as to relieve the superior court.

Question. The superior court is a court of general jurisdiction, of *nisi prius*, from which appeals lie to your supreme court?

Answer. Yes, sir.

Question. Is it a court of law exclusively, or a court of law and equity?

Answer. A court of law and equity both; it has chancery jurisdiction.

Question. What has been the experience of Judge Syms since he was appointed?

Answer. His solicitor, after getting him to have him appointed, refused to swear in under him. He then had another solicitor, and from what I told him, I think he got some gentleman who would have served under him, but no one would bring cases before him. The lawyers refused to take any part at all in cases before him. The bar met and refused to take cases before his court. That prevents him from being able to do anything. He told me so in Columbia last week.

Question. He was in the convention in Columbia last week?

Answer. Yes, sir. He said he went around to the places for his court, but no cases were brought before him.

Question. What is his character?

Answer. He is a colored man and a republican, which is about as bad a character as —well, I would as lief be called a Yankee. If a man is a republican, whether white or black, he is in the same category; I would not give the toss of a copper between them. I do not know but what a white man who is a republican might stand a little less chance than a negro. A white republican stands no chance at all.

Question. I am speaking not from a democratic point of view, but from your own point of view. How do you regard Judge Syms?

Answer. I regard him as a republican and as a man who would try to do his duty if he could get a chance to do it.

Question. What is his character for integrity and general uprightness?

Answer. I have heard no charges brought against him. He is well known in Savannah.

Question. What are his attainments and acquirements?

Answer. He is not a man who has a great deal of education; he has a common education. He has not had much opportunity for an education. All he has got he has got at the South. Since freedom he has tried to improve himself.

Question. Is he a southern-born man?

Answer. Yes, sir; born in Georgia.

Question. We have had a great deal said before us on the subject of the pardoning power. Give us your knowledge on the subject, if you have any.

Answer. Well, I have tried to give some little attention to this pardoning business, and I have made myself some applications to the governor I think he has exercised no more clemency than he should have done; that in many cases the most flagrant outrages have been perpetrated under color of law. I think he has not done even as much as he should have done in the exercise of the pardoning power.

Question. You applied to him to exercise that power?

Answer. Yes, sir; and he refused. There were persons flagrantly arrested and locked up on the pretense of having stolen goods, when the articles belonged to them. I will tell you a very singular mode of stealing that they have here. You employ me to work for you, and after I have done the work I have agreed to, you want me to vote the democratic ticket, and I will not do it. You owe me some things; there are my mules, or whatever the property may be. You say, "Clear out with you." If I say, "This is mine; I have a right to it, and I will take it;" you will say, "If you do, I will shoot you down." Well, as I am a stronger man than you are, and say, "I will take it," you let me go; but you send an officer after me and have me arrested for theft. That is the way they do it here. When I think of what is done to the colored people here, I sometimes almost wonder that the judgment of God does not come down upon the people here for the rascalities done by them.

Question. Has it been so that in the name of justice and by the forms of law men have been wronged and oppressed and deprived of their civil rights as well as of their liberty?

Answer. It has been done all the time; it is being done now. I should not be surprised when you see the papers to-morrow morning that they contained the account of some flagrant outrage that has been committed as we sit here now.

Question. You have a superior court in your county?

Answer. Yes, sir.

Question. By whom is that court held?

Answer. By Judge Sessions. He is in Atlanta now.

Question. Who are his lawyers, colored men or white men?

Answer. There are no colored lawyers there.

Question. Who are his jurors?

Answer. In McIntosh County we have part colored and part white jurors; but that has only been for the last session of the court. Everything went off harmoniously there. They undertook to break them down, but they did not.

Question. How had it been before that time?

Answer. They did not let a negro man sit upon the jury.

Question. I wish you would state from your point of view whether, if a colored man got into a contest with a white man, the colored man would have an equal chance?

Answer. No, sir; he has not any chance now. It is a remarkable fact that when a case comes up in which a colored man and a white man were concerned, no colored man could get a verdict against a white man, no matter how plain the case was.

Question. Have you any information of cases of controversy between a white man and a colored man, where the proof was in favor of the colored man and against the white man, and where the verdict was in favor of the colored man?

Answer. I have never known of such a case since I have been in Georgia.

Question. How is the measure of punishment fixed under your laws, by the court or *by the jury?*

Answer. It is determined by the court.

Question. If a man is convicted of larceny, his term of imprisonment in the penitentiary is fixed by the court?

Answer. Yes, sir.

Question. The jury has nothing to say about it?

Answer. No, sir; they only say whether he is guilty or not; or, if guilty, they may recommend him to mercy.

Question. What has been the disposition of the courts in the administration of the law, where men have actually been guilty, in fixing the measure of punishment; has the colored man been punished more or less severely than the white man?

Answer. More severely, because a white man does not get punished at all.

Question. I am supposing that both white men and colored men should be convicted?

Answer. If a white man should be convicted there would be some way contrived by which he would not be punished. Two men shot one man and a boy; they acknowledged it, and were arrested and locked up in jail, and the grand jury found no bill against them. And then there was a case where a man killed three or four colored men, to my certain knowledge. I went and tried to arrest him in Brunswick; it was at the time I was on the islands. The man was arrested by the marshal, brought up, and then was allowed to go away from the jail in Darien scot-free. He was arrested in Brunswick, and there they had some kind of mock trial, and he is now there cutting up all kinds of rascalities. The man who made charges against me was concerned in some murders; he and his brothers. They were arrested and taken to Savannah.

Question. Who is he?

Answer. Mr. Thorp,

Question. Do you know the number of men confined in your penitentiary?

Answer. No, sir; we have had a report submitted to the legislature, but I do not remember.

Question. Do you know whether the number is considerably larger than before the war?

Answer. Yes, sir, a great deal larger. They have them there for the purpose of farming them out and making money out of them. Men are arrested for the most frivolous things and sent to the penitentiary. When I went to the governor for the purpose of making application to him for the pardon of two individuals, he had such a lot of them there that I just stood back and was glad to have those get out that did get out.

Question. What was the case of those he refused to pardon?

Answer. A man voted a republican ticket and was arrested, not at the time the voting took place, but afterward, charged with stealing that for which he worked. His daughter came here and made a statement of the case, and I went and tried to get the man cleared. But we had to get the judge of the court and the solicitor to concur in the recommendation. The colored man was a man of some influence in his district, and the judge and the solicitor would not join in the recommendation at all.

Question. Do you know for how long he was sentenced?

Answer. I do not know; I do not recollect. His daughter told me she did not think he could live if he was kept in confinement.

Question. It is said that your people have a great desire to congregate in towns, and not to go into the country. What is your observation on that point?

Answer. That is a mistake; the great cry of our people is for land. If they can be protected they will get on well enough. The great trouble is that they are driven into towns by these miserable wretches who are determined that they shall not have land unless they work as they say.

Question. Take these colored men that are waiting upon us at the hotels and in offices, &c.; suppose they had their choice, where would they go?

Answer. They would go on farms. There is a man now waiting in a hotel here who has come to me and asked me if I thought he could ever have a chance to go back where he could work on a farm.

Question. Do they want to be land-holders?

Answer. They want to be free-holders, land-holders, and to hold office like white men. I tell them that we cannot all hold office; that we must occupy the positions in which we are placed.

Question. It has been charged that sensuality is a vice that marks a great many of your people. How do you think your people compare in that regard now with what they were in slavery times?

Answer. I think they compare very well indeed. They have come to me in such numbers to be married, and the manner in which they have lived since they were married, where I have traveled, has convinced me that God has blessed them with a feeling of morality stronger than any people in the North I ever came in contact with.

Question. How is it in regard to establishing the family relation among them; do they show a general desire for that?

Answer. Yes, sir.

Question. When they enter into the marriage relation, how faithfully do they observe it?

Answer. Well, there are some cases of unfaithfulness, as with other people. But I speak as a minister who has had some experience with that thing for the last forty-five years, and I say that there is no more infidelity to the marriage tie among them, with all the looseness that has been among them in slavery, than I have observed in the North.

Question. Do you mean among colored people in the North, or among people in the North generally?

Answer. I mean people generally, for I preached to white and black both, in fact to more white than colored.

Question. How have their marriage connections been blessed in the matter of children?

Answer. It would be a pleasure for you to go into my section and see the children there, and to see that they are legitimate children; and they are numerous in proportion to the population there.

Question. Do you think there is any disposition among them to destroy their offspring, either before or after birth?

Answer. No, sir. In New York City girls there through criminal courses would become pregnant, and then would destroy their children; but you cannot find that among the colored people. I have got to find the first case of it yet.

Question. Do they confide in you; do you think they make you their confident, tell you their troubles and their hopes and their fears?

Answer. Yes, sir. Well, it is a labor almost unbearable; when I am at home my house is crowded with men and women. In fact, I know almost everybody's business.

Question. How as to unlawful intercourse between the two races here; do you think that has increased or diminished?

Answer. It has diminished.

Question. How do you account for it?

Answer. Simply in this way: In slavery the proprietor of slaves had two motives—his lust and his avarice. He encouraged licentiousness by precept and by example. I learn that from information which I gather from men and women who have told me of the way in which they have been debauched.

Question. You speak of your own color?

Answer. Yes, sir. I have talked with young women, who told me how they had done with their masters, how they used to live, and how their masters used to do. There is a man right here in this city, and when I heard him state what he does, I tell you he is a grand scoundrel, acting in that way with his own people. That satisfies me it must have been one of the most miserable systems; the lust of the master leading him, and his avaricious desires allowing him, to connive at what was done by other white men on his place.

Question. That would account, perhaps, for what existed in the time of slavery. How do you account for the diminution of that vice since emancipation?

Answer. Simply in this way: The colored people, as a general thing, discountenance any disreputable acts, because they now want to be respected and to be thought something of. As ministers of the Gospel, we have found it to be our duty to preach against anything like immorality, and to show its evil effects. It has been one of our great labors to preach that constantly, to show the necessity of chastity, and of respecting the marital tie. In that way we are able to prevent what otherwise would probably be carried on to a great extent.

Question. You have inculcated chastity as a virtue?

Answer. As one of the mainsprings by which we are to become anything.

Question. Do you preach to congregations exclusively of colored people as you would to mixed congregations, or to one wholly white?

Answer. Yes, sir; because I do not want to bring down, but I want to bring up. They find fault with me for preaching above the colored people. I say they will become educated so as to understand what I mean.

Question. Who finds fault?

Answer. White people who come to see me; they say I preach too fine sermons, and that the negroes do not understand them.

Question. Do you write out your discourses in whole or in part?

Answer. In part only; I preach from head-notes.

Question. I believe your church adopts that course generally, does it not?

Answer. Yes, sir.

By Mr. BAYARD:

Question. What is the full name of this Syms, of Savannah, who was appointed judge there?

Answer. James Syms.

Question. What is his age?

Answer. He is forty-five or fifty.
Question. Was he a free man or a slave?
Answer. He was a slave.
Question. What was his occupation before the war?
Answer. I think he was a music-teacher.
Question. Do you know who owned him before the war?
Answer. I do not; he has told me, but I do not now recollect. I know he is a musician, and it strikes me that he was a music-teacher before the war. I know it was some employment that was not laborious.
Question. Are there any white republicans in your county?
Answer. There is one.
Question. What is his name?
Answer. His name is Donley; I forget his first name.
Question. What is his business?
Answer. He is a merchant.
Question. Is he a native of Georgia?
Answer. Yes, sir. There are others who say they are republicans, but I cannot vouch for them; I am sure he is a republican.
Question. What is the extent of your jurisdiction as justice of the peace?
Answer. I have criminal jurisdiction over the county, and civil jurisdiction over the militia district.
Question. To what amount have you jurisdiction?
Answer. To the value of $100.
Question. What class of cases?
Answer. I can only hold to bail; I cannot try any case; I can only commit to the superior court.
Question. Both in civil and criminal cases?
Answer. Yes, sir.
Question. You would take bail to any amount that you may see fit to demand?
Answer. Yes, sir.
Question. What is the extent of Syms's jurisdiction?
Answer. He takes up cases from the justice's court.
Question. To what amount?
Answer. I do not know the specific amount. That court was established to relieve the superior court.
Question. Do you know whether he has an unlimited jurisdiction as to amount?
Answer. No, sir; I think there is a limit.
Question. Do you know what the limit is?
Answer. We discussed it when the bill was passed, but it has now escaped my recollection.
Question. Do you know that there is a limit of that character to his jurisdiction?
Answer. Yes, sir; I think there is.
Question. Can real actions be brought before him?
Answer. Yes, sir.
Question. Can he sit and determine the titles to land, rule upon questions connected with the titles of real estate?
Answer. Yes, sir, he can, I think; I am not positive about it. I know that we discussed in the legislature what the limit should be, but in the excitement I have forgotten what was done.
Question. Was there much excitement on the subject of judicial duties?
Answer. Yes, sir; on everything that came up.
Question. Are you now, as a State senator, and as a member of the judiciary of this State, able to to tell whether the district judge has limited or unlimited jurisdiction as to amount?
Answer. It is limited, but I cannot state the exact amount. He takes up minor cases above those of the justice's court, so as to relieve the superior court.
Question. He has jurisdiction in actions of ejectment relating to titles of real estate?
Answer. Yes, sir.
Question. Now, do you know whether that man Syms ever had any legal education whatever?
Answer. I do not. He was here when I came here, and I have had but little opportunity of knowing him, except in the legislature.
Question. You have no knowledge of his qualifications at all?
Answer. He is a man who rates very well; of good abilities. I have seen him in the legislature, and I saw him in the convention.
Question. Have you ever seen him write?
Answer. I have seen writing that he has done, but I do not know that I ever saw him write.
Question. Does he write legibly and grammatically?
Answer. He writes legibly.

Question. Do you know anything more of his other acquirements?
Answer. In what way?
Question. In a way that would qualify him for his place?
Answer. As to that I have never seen him exercise his jurisdiction as a judge at all, and I could not tell what his abilities were unless I had an opportunity to judge of them. I never read any law with him, and never consulted with him on any special questions of law. He was in the house, and I was in the senate, in the legislature.
Question. By whom was he appointed?
Answer. By Governor Bullock.
Question Upon your recommendation?
Answer. I made no recommendation.
Question. You were in the senate, and voted for his confirmation?
Answer. I would have voted for his confirmation if he had been confirmed.
Question. Was he rejected?
Answer. No, sir; the legislature has not met since he was appointed.
Question. He stands now open for confirmation?
Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 1, 1871

LEWIS ANDERSON (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I will be twenty-five years old on the 3d day of next January. I was born in Walton County, and Walton is my home now.
Question. Are there in your county any of those people that are called Ku-Klux?
Answer. Yes, sir; I know there are two there; I do not know about any more, but the way they talk there are more.
Question. How do you know there are two there?
Answer. Because I live with one, and the other lives there, too, and I saw them when they came along by the house. I know the men as good as I know I am sitting here.
Question. How do you know that the man you live with is one?
Answer. Because I saw him when he came to the house and put his horse in the stable.
Question. Was he disguised?
Answer. There were four disguised, and he had on a big cloak.
Question. You know that he was one of them?
Answer. Yes, sir.
Question. Who is the man you live with?
Answer. Mr. Felker.
Question. Who was the other one?
Answer. Jim Austin.
Question. What does Mr. Felker do?
Answer. He has a store and little farm there. Besides the store, he had a still, and I had to attend to hauling his meal to the still.
Question. What did Austin do?
Answer. He was a clerk in the store for Mr. Felker.
Question. Did either of them ever say anything to you about the Ku-Klux?
Answer. Yes, sir, and told me this. He said to me, and to other fellows that lived there with me, that if we would give up our pistols, we never would be bothered. I told him my pistol was down at my mother's. I do not know whether the other two boys gave up their pistols or not. He told me how to do. He said if I always raised my hat to the people when I passed, and was always polite to them, I would not be bothered.
Question. What did he want you to give up your pistol for?
Answer. He did not say, only that I would not be bothered.
Question. What kind of a pistol did you have?
Answer. I had a little five-shooter, a self-cocker.
Question. Did the others have pistols?
Answer. Yes, sir; I know they had them, but I do not know whether they gave them up or not.
Question. How many of those men did you ever see together at any one time?
Answer. At that time there were five; the year before that I saw as many as twenty-five together down in the lower edge of Walton County, but I had nothing to do with them.
Question. What were they doing when you saw them?
Answer. They were Ku-Kluxing. The same night a man was killed. I heard them when they were shooting, but I could not confess who they were. I ran into the woods

after I saw them, and after they passed by me I pitched on home. I stood awhile not far from the house, and I heard them shoot three times.

Question. Who did they kill?

Answer. A colored man by the name of Jake Daniel, a blacksmith. I do not know anything about it, except that I heard them shooting; and the next day the report came to town that he was killed. They came for a doctor to take out the bullet, but before he got there the man was dead.

Question. Did you see those twenty-five men yourself?

Answer. Yes, sir; by the moonlight.

Question. Were they disguised?

Answer. I could not tell exactly; only that all that I saw looked white. That was year before last that I saw them.

Question. Were those all you ever saw going about, excepting the five you have spoken of?

Answer. Yes, sir.

Question. Did you see any of them the night a man of the name of Gus. Smith was said to be whipped?

Answer. That was the time I saw the five. I heard that at the same time they whipped Charley Smith, I believe they call him—we call him 'Dolphus—but I did not see them.

Question. Did you see Smith after he was whipped?

Answer. No, sir; I never got a chance to see him. He was whipped some time like this week, and he went off on Sunday. I heard he was whipped, but never got a chance to see him.

Question. Did this man Felker that you live with know that you knew that he was one of the Ku-Klux?

Answer. It seemed like he knew, the way he spoke to me. He took me to his house one Sunday morning and drew his pistol on me. He said that he understood I was going to swear against him. I thought may be he might shoot me, and I asked who said so. He said he had heard it. I told him I had nothing at all to do with Ku-Kluking; it was nothing to me. He said, "No you ain't; and you had better not say anything." I said, "I never did say any thing about it." He said, "If I thought you would, you would not have any chance to swear against me."

Question. He had a pistol drawn on you?

Answer. Yes, sir, he had his pistol out.

Question. Did he say what he understood you were going to swear about?

Answer. Yes, sir, that he was a Ku-Kluk.

Question. Did he deny that he was a Ku-Klux?

Answer. I never asked him; he never said anything about it. I was afraid he was going to shoot me then.

Question. How long ago was that?

Answer. Directly after the Ku-Kluking was done; it was some time in March; I cannot tell exactly what time it was.

Question. How did you happen to come here?

Answer. I was subpœnaed here. The men who were whipped the same morning we saw that gang, I got up and saw them and went and got on their track. I was working the same horses. I followed the tracks around and found them. The man who was whipped came off up here directly after he was whipped. He knew I saw them and I expect he named it, and they subpœnaed me to come here.

Question. Who was that man?

Answer. Gus Mills, a colored man.

Question. You have not been whipped by them?

Answer. No, sir, I have not been whipped.

Question. Did Mr. Felker know that you had been subpœnaed?

Answer. He was here when I was subpœnaed, but when I got here I understood that he had gone home.

By Mr. BAYARD:

Question. You say this Felker kept a distillery there, and was running it without license?

Answer. Yes, sir.

Question. He is the same man that was testified about by Gus Mills and by Charles Smith, who you say goes by another name?

Answer. I reckon he goes by the name of Charley Smith; I heard them call him that name; we call him 'Dolphus.

Question. Sarah Ann Sturtevant, Letty Mills, and all that class of witnesses have testified about this man Felker?

Answer. I think so.

Question. Is there another man by the name of Anderson who has been examined here?

Answer. I do not know.

Question. Who were the other men who lived with you at Felker's?

Answer. Ransom Hayes, or Tan; I do not know what he signs his name, but we call him Tan. I know he staid there on the same place and worked in the shop.

ATLANTA, GEORGIA, *November* 1, 1871.

HENRY HAYES (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live?

Answer. I am twenty-five years old; I was born in Walton County, and I now live in Gwinnett County.

Question. Are there any people in your county that are called Ku-Klux?

Answer. Yes, sir.

Question. Tell us what you know about them.

Answer. Well, sir, they came to my house and took me out and whipped me.

Question. When was that?

Answer. That was the last week in August.

Question. How many were there?

Answer. There were five that came into the house.

Question. Were there any out of doors?

Answer. Yes, sir; there were a great many out of doors; I do not know how many there were out of doors, but there were five that came into the house.

Question. Did they come to the house walking, or riding?

Answer. They hitched their horses out on the big road, and walked to the house.

Question. Were they disguised?

Answer. Yes, sir.

Question. In what way?

Answer. They had dough-faces on; some of them were dressed in black, but two of them were dressed in white.

Question. How did they get into the house?

Answer. They came to the house and just run against the door and burst it down.

Question. Where were you?

Answer. In the house. When they came into the house they told me to come out. I was sitting on the bed and would not go, and two of them took me by the arms and took me out. When I got out of doors they made me get down on my knees, and then they commenced whipping me.

Question. Did they take your clothes off?

Answer. No, sir.

Question. How many blows did they strike you?

Answer. They gave me five licks apiece, I believe.

Question. How many of them struck you?

Answer. Five of them.

Question. With what?

Answer. With sticks.

Question. Did you know any of them?

Answer. I knew two of them.

Question. Who were they?

Answer. One of them was William Smith, and the other was William Felker.

Question. After they got through whipping you, what did they do, or what did they tell you?

Answer. After they got done whipping me, they told me to go back into the house and shut the door, and not open it for three hours. I went back into the house and shut the door, but after they went off a piece I opened the door and followed them. I wanted to find out some of them; I thought I knew some of them, but to make sure I thought I would follow them. I followed them about five miles. After they got off a piece they talked with their natural voices, and I knew them. I have traded in William Felker's store for two years, and I have worked with William Smith for three years.

Question. Did they ever say anything to you about telling on them?

Answer. After they got through whipping me they took a pistol and fired it off on the right side of my head, and said if they heard I told they would come and kill me.

Question. Were they all armed?

Answer. Yes, sir.

Question. What reason did they give for treating you that way?
Answer. Well, sir, last Christmas time, on Monday night I had a corn-shucking and quilting at my house. This same William Smith lived on the same plantation. He came there that night disguised, nobody with him. I did not know him and asked him who he was. He did not tell me. I had been missing some potatoes; he went down toward my potato-bank, and I followed him. He would not tell me who he was, and I up with a rail and knocked his dough-face off, and then I knew him. He then swore that he would Ku-Klux me.
Question. What business had he at your house?
Answer. I was on the same plantation; he lived there with his father-in-law.
Question. Did he state why he went there to your house that night?
Answer. No, sir.
Question. Did this occur in Walton or Gwinnett County?
Answer. In Gwinnett County.
Question. How long have you been living in Gwinnett County?
Answer. I went up there this year.
Question. How far from the Walton County line?
Answer. I live away up the edge like.

By Mr. BAYARD:

Question. Did this man Felker run a still while you were there?
Answer. They say he had a still.
Question. Had you cause to believe he had?
Answer. Yes, sir; he must have had one.
Question. He lives in Walton County?
Answer. Yes, sir.
Question. Do you know Lewis Anderson?
Answer. Yes, sir.
Question. Is this man Felker the same man that Lewis Anderson, Gus. Mills, Charley Smith, Sarah Ann Sturtevant, and other people have testified about here?
Answer. Yes, sir.
Question. Who is this man William Smith that you say works on the same plantation with you?
Answer. I worked with him; he hired me.
Question. You say he came up to your house last Christmas when you had a corn-shucking and quilting, and you followed him out of the house and down some distance from the house?
Answer. Yes, sir.
Question. And then you took a rail and knocked him over?
Answer. Yes, sir.
Question. Did you knock him down?
Answer. I knocked him to his knees.
Question. You knocked his false-face off and found him out in that way?
Answer. Yes, sir.
Question. Because you did that he said he was going to Ku-Klux you, and in August he came with Felker and three other men and whipped you?
Answer. Yes, sir.

By the CHAIRMAN:

Question. There were other men out of doors besides those five men?
Answer. Yes, sir.

By Mr. BAYARD:

Question. That was the only set of disguised men you ever saw?
Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 1, 1871.

JOHN JOHNSON (colored) recalled and examined.

By the CHAIRMAN:

Question. You were examined by us last week?
Answer. Yes, sir.
Question. You live in Madison, Morgan County?
Answer. Yes, sir.
Question. Did you go home after you were examined?
Answer. Yes, sir; I went there on Friday night.
Question. Why did you come back here?
Answer. Well, they dropped words about that they were going to kill me; that they

were coming to see me on Monday night and Sunday night too. I have had to lay out every night since I have been gone. They threatened to kill me. The gentleman where I was staying called his wife out of doors and told her that a party was coming up "to clean out Big John to-night." I heard it and my wife heard it, too. Then they sent word out that they were going to kill me; that I never should take the train and see Atlanta any more. They were dropping words around that they did not care anything about anybody anyhow, and that what they intended to do they were going to do.

Question. Who brought you the information?

Answer. Bartlett Jones came to me. I went out on the plantation Monday morning, and I came up by Sarah Jones's and told her what words her son had sent to her. Then he came away along down across below and said to me, "John, I heard a mighty report about you; they are yonder now, talking to Henry Gordon that they are going after you, and are going to kill you; that they are good for you. Now, all I say to you is, look out."

Question. Was he a colored man?

Answer. Yes, sir, a colored man, and said that he came to tell me these things so that I could keep a watch out. Then I met some more coming from town, and they told me the same things.

Question. How did you come here?

Answer. I had to jump the railroad, and walk up to the third or fourth station, and when the train overtook me I just mounted it and came up here. There is no way for anybody to live there anyhow, for they let out threatnings once in a while and say they will do just as they please. They are just beating and slashing up there all the time.

Question. Has there been anybody beaten or whipped there?

Answer. Yes, sir. When I went down there they told me that they were whipping while I was up here. They said they were going to kill Monday Floyd; that he never should come back here; they said they were going to kill all of them.

Question. Who is Monday Floyd?

Answer. He is a member of the legislature.

Question. Do you know whether anybody has been sending threatening letters to Mr. Floyd?

Answer. Yes, sir; they sent him some. They sent him one with his coffin on it, and then they sent another to him. They put one into the post-office for him, and they dropped one in his yard.

Question. You supposed from the threats that were made that it would be unsafe for you to stay there?

Answer. Yes, sir. They said that what they were going to kill me for was because I came up here and reported.

By Mr. BAYARD:

Question. When did you leave to go home?

Answer. I left on a Friday.

Question. When did you leave home to come back here?

Answer. I left the evening before last at dusk.

Question. What time did you get home on Friday?

Answer. Half after 1 o'clock Friday night.

Question. You were there all day Saturday, and Sunday and Monday?

Answer. Yes, sir, until dusk Monday evening, and then I walked till about 2 o'clock yesterday morning.

Question. And then you took the train?

Answer. Yes, sir.

Question. During the time you were at home did any man come to you and make any threat to you personally?

Answer. They would not do that.

Question. Did they come to you and threaten you personally?

Answer. No, sir. This is the way: Monday morning I went out into the country, and this colored man came along and told me all this. I staid out there all day, and it was about dusk when I came back. My wife had been around looking for me, and met me at the gate and said that Marshal Hogue——

Question. Who is he?

Answer. He is the marshal of the town. She said he had came there and searched my house without any warrant or anything. There were two fellows came there and dropped an old pair of pants and a coat there. After they were gone, two men came there and said that those were stolen clothes. The darkest one told the other one that those were his clothes; now the man who was there just dropped them and never told me to take care of them, and these men just took them. Then this fellow came back Monday morning and talked to me about letting those men come there and take the clothes. I said that the man came and swore they were his clothes, and I had no right

to make a fuss about it, for he said that he had a witness who would say they were his clothes. Then he told Mr. Hogue, and he came up there without any warrant, and left word that he and his party were coming up there at night and clean me out, a damned rascal.

Question. Who was the man who came up to your house and left his clothes there?

Answer. There were two colored fellows, who were in a scrape.

Question. Were they in a money scrape?

Answer. He was accused of it. He stayed there, and the next morning came down and paid 50 cents and said that he had lost $5. He got clear of that; it was somebody else.

Question. There was a colored man accused of stealing some money, and he came to your house and left some clothes there?

Answer. Yes, sir.

Question. And those people came there and searched your house, and found those clothes that had been stolen?

Answer. They came there.

Question. Marshal Hogue is marshal of your town?

Answer. Yes, sir.

Question. Was Marshal Hogue elected by your people?

Answer. No, sir; he was selected by the mayor of the town, and they elected the mayor of the town.

Question. Is all that county strongly republican?

Answer. Yes, sir, it is.

Question. And the officers elected there are all republicans?

Answer. Yes, sir.

Question. And the mayor of the town was a republican, and the marshal was appointed by him?

Answer. The mayor of the town is not a republican.

Question. How was he elected?

Answer. I do not know; he was run in in some way.

Question. The colored people have a large majority in Gwinnett County?

Answer. Yes, sir.

Question. And you elect what officers you please?

Answer. Yes, sir.

Question. This man Hogue was the man who came to your house without a search. warrant?

Answer. He came there without any leave or license.

Question. Was he the man who intimated that the people were coming there to disturb you?

Answer. Yes, sir.

Question. Who else ever came to your house?

Answer. I do not know; I was too scared to stay there.

Question. Had your family or yourself been disturbed in any other way than by Marshal Hogue coming there for this man's clothes?

Answer. No, sir, not that I know of. I expect that they have been there now, since I was there, for they promised to come there night before last.

Question. You felt alarmed about their coming?

Answer. I did.

Question. You have given your reasons for it; you say they had been dropping words around there?

Answer. I expect that near about a hundred colored people told me that they were scared to see me there, although they were glad to see me.

Question. You have given all the facts that occurred; you have not been molested personally, and no one has struck you since you left here?

Answer. No, sir.

Question. Has any one spoken to you about this matter?

Answer. No, sir; because I had to lay out in the woods all the time, just like a rabbit, because I was afraid to show myself at all.

Question. Did anybody see you before you went into the woods; did anybody come where you were except Marshal Hogue?

Answer. No, sir. But colored men told the white fellows where they saw me, and then they tried to get after me, but I kept out of the way.

Question. You have been very much frightened, and concluded to come away?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Is the mayor of the town a republican?

Answer. No, sir.

Question. How is Marshal Hogue?

Answer. He is not a republican, and would kill a colored man as soon as he would look at him.

Question. You regard the men who hold offices there as enemies to your color and race?

Answer. Yes, sir. I will tell you the truth about it; I am not going to chaw my tongue about it. The last man there is the enemy of the colored man; they have tried to weaken him down, and go against him, the last one of them.

Question. Did Marshal Hogue have any search-warrant when he came to your house?

Answer. No, sir; he had no leave or license at all to go there and search my house. He came right there in force and did it, for the fellow who was with him told me about it. I said to him, "Did he get any search-warrant out to do that?" He said, "He had no leave nor license; he told me that he would go there, and if my clothes were there he would go there and get them."

Question. Who claimed to own the clothes?

Answer. This fellow, Gus. Beck; and the man the clothes belonged to came there and got them; he said that he had a witness who would swear and kiss the Bible that those were his clothes. I said, "I have nothing to do with it; you can take the clothes and go along; I am not going to get into a fuss about it."

Question. When those men came for the clothes, did the marshal go along with them?

Answer. Yes, sir; and went up and searched my house, and then went back to town; and then some fellows came along and talked about clothes.

Question. Was it a colored man who came there and claimed the clothes?

Answer. Yes, sir, the same one; and then a man came and swore to the clothes, and took them. And then, because I had been up here and gone back, they wanted to get me, and that is the way they tried to get me.

Question. So far as you know, has anything been done about the man who shot Charles Clarke?

Answer. Yes, sir; they went back to kill this same old man Albert that I told you about, and he had to run away from his farm, and go to a back plantation and stay there. I heard the other night that Mr. Dexter said that he would go out and shoot the last damned negro's brains out on Jones's place. I expect to hear of some scrape down there; they are bound to kill up a whole parcel of people; they said they could do it, and would do it.

Question. Is the jailer a democrat?

Answer. O yes, sir. They went there to look for Albert Jones again. I was told so by a lady who stays out there. They said that they had done swore to kill him.

By Mr. BAYARD:

Question. What is the number of colored votes in your county?

Answer. I believe there are about eleven hundred.

Question. How many white votes are polled there?

Answer. I think about six hundred.

Question. You carry all the elections for your side?

Answer. Yes, sir; we carry the elections.

Question. Who have you sent to the legislature?

Answer. Abraham Dukes and Monday Floyd; and they have sworn to kill him.

Question. They are both colored men?

Answer. Yes, sir; and if Dukes has not got up here now, he will not come up here.

Question. You have been saying several times that they have sworn to do so and so; that they have dropped words. Can you give the name of a single man who has sworn to kill Dukes——

Answer. That knows it?

Question. Can you give the name of one who has sworn to kill Dukes or Monday Floyd?

Answer. I could do it, but it has done slipped out of my mind; I had so many other things to think of.

ATLANTA, GEORGIA, *November* 1, 1871.

FRANCIS J. ROBINSON sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what official position, if any, you now occupy?

Answer. I was twenty-five years old last September; I was born in Washington, Wilkes County, and now live in Lexington, Oglethorpe County; I am ordinary of the county and postmaster at Lexington.

Question. Is Lexington the county seat of Oglethorpe County?

Answer. Yes, sir.

Question. I wish you would give us a history of this secret order in your county that is known as Ku-Klux, if you are able to do so. Tell us when you first heard of it, and give us any other facts in connection with it.

Answer. Well, sir, I do not remember when I first heard of them. I know that in 1868, in the election for governor and State officials, there was no attempt then made to intimidate anybody. I was candidate at that time, and was elected ordinary, with all the republicans who were candidates. At subsequent elections there has been intimidation. I have heard those men going through town at the dead hour of night; I have heard crowds of men going through, and have been told they were Ku-Klux. They never stopped at my house. I never saw one to know him, though I may have seen plenty of them and not have known it. I never saw one in disguise.

Question. Have you heard of their being about in other parts of your county?

Answer. Yes, sir; in several parts.

Question. What is it alleged that they have been doing?

Answer. Whipping white people and colored people.

Question. Have you ever, yourself, taken any position publicly upon the subject?

Answer. Yes, sir; against it.

Question. How?

Answer. In a speech, on the 4th of October, 1870, in the court-house, where the county meeting was being held, for the purpose, it was stated, of frowning down this lawlessness in the country.

Question. Were other speeches made besides yours?

Answer. Several, more violent than mine, but mine was pretty near to the point.

Question. Have you or any of the other speakers been called in question for your speeches on that day?

Answer. Yes, sir; I was seriously injured that evening. I had held my court the day before and all that day, and was very weary. Between sundown and dark I was going along the street on my way home, and I was assaulted by a young man and charged with having called his father a liar in my speech. I told him I done no such thing; that I had made no personal remarks at all; that my remarks were general; that I had denounced the Ku-Klux as an outrage upon the peace of the country.

Question. How did he construe that speech into charging his father with being a liar?

Answer. In this way: his father had made an address before I did, but I did not hear it, and did not know anything at all about it. My office was up-stairs, and I just walked down into the meeting and stood there. When I got down there an old man was talking, but his back was to me, and some one was talking to me. I told the young man when he made the assault on me that I did not hear any remarks of his father, and had not referred to him.

Question. What did his father say that conflicted with what you said?

Answer. As I understood, his remarks were that there were cases where the Ku-Klux had done good; that they were necessary in some cases.

Question. And you had expressed the contrary opinion?

Answer. Yes, sir; and had denounced the Ku-Klux.

Question. Did this man, upon that expression of opinion, attempt to raise an issue of personal veracity?

Answer. Yes, sir; and took up the cudgels for his father, as he said. I have the marks on my head yet, which you gentlemen can see, and which I never shall get rid of as long as I live, the marks of the injuries that he inflicted upon me.

Question With what was the attack made on you?

Answer. With a large walking stick, a very heavy stick. I was lame at the time, and was walking with a little old stick, and had on a slipper. After I made my explanation to him I turned and left him, for I thought any gentleman ought to have been satisfied when I said that my remarks were not personal at all, but were only general.

Question. Did you understand that either the young man or his father was a Ku-Klux?

Answer. I believed that he was, and believe so yet.

Question. Has he been brought to justice for that attack on you?

Answer. No, sir. I tried to get him indicted before the grand jury, but I could not do it.

Question. Did you make the same statement before the grand jury that you have made here?

Answer. Yes, sir; and I had my physician there, and my witnesses there—my friends who took me up and carried me home.

Question. Were you knocked senseless?

Answer. Perfectly so. I did not get home for two or three hours. They took me into a store there first. At one time the doctor thought I was dead, from contusion of the brain, he said.

Question. Have you made more than one attempt to have a bill found against him?

Answer. I have not. I have sued him in a civil suit for $10,000 damages.

Question. How do you account for the fact that the grand jury failed to find a bill against him on your testimony?

Answer. I cannot account for it, unless there were a great many of the same sort of men on the jury. I was just able to go down there and testify before the grand jury; it was the first time I had been out of my house after the attack.

Question. You are are still ordinary of Oglethorpe County?

Answer. Yes, sir.

Question. Do you know whether there have been cases of lawlessness or violence upon people in your county, beside your own case?

Answer. Only what I have heard from the parties themselves.

Question. State what you know from reliable information, from information that you believe to be true.

Answer. Well, sir, in 1868 or 1869, I have forgotten which, Mr. Samuel Z. Hardiman, so he afterwards informed me himself, was taken from his house one night by disguised parties and seriously whipped. They just surrounded his house and took him out; they did not allow him to put on his clothes or anything.

Question. Was he a white man or a colored man?

Answer. He was a white man.

Question. What was the offense on his part that they subjected him to such treatment?

Answer. The offense was supposed to be that he was rather intimate with another woman beside his wife. But he had already been indicted; a true bill had been found against him, and I think he was under bonds at the time.

Question. Do you know of any other case?

Answer. I heard of the case of Mr. A. M. Sorrow; I never heard him say anything about it, but I heard of the case. He is a white man.

Question. What did you hear they did to him?

Answer. They whipped him the same way.

Question. What allegation had they against him?

Answer. I think the charge was that he had a barrel of whisky in his house, and that he had collections of negroes there at times when the neighbors did not like it.

Question. Have you heard of other cases?

Answer. Mary Ivey, the woman this man was whipped about, was run away from our county completely, and her house was burned down. She had a little piece of land, and a little cotton on it, and they went there and ordered her to leave.

Question. Was she a white woman?

Answer. Yes, sir. She is now living in Athens. She owns the tract of land yet, I think, but they burned her house.

Question. Have you known of other cases?

Answer. I do not think I have heard of any others, of white people.

Question. Have there been any colored people disturbed there?

Answer. Yes, sir; a great many of them.

Question. How many do you suppose?

Answer. I expect there have been ten or fifteen cases of them.

Question. I understand you to say that this meeting where you made a speech was called because of these various acts of lawlessness and outrage?

Answer. Yes, sir.

Question. How many persons were present?

Answer. I suppose about a hundred, or a hundred and twenty-five.

Question. Was there any action by the meeting one way or the other?

Answer. Several gentlemen spoke, and I believe they passed some resolutions, but I never saw them.

Question. You do not know the character of those resolutions?

Answer. No, sir.

Question. Who was this man who spoke in favor of them?

Answer. Dr. Willis Willingham.

Question. What was his son's name who beat you?

Answer. Willis M. Willingham.

Question. Did any others speak in favor of the Ku-Klux?

Answer. I did not hear any.

Question. Have there been any persons punished in your county for any acts of Ku-Klux violence upon either white men or colored men?

Answer. No, sir, not to my knowledge.

Question. Have any of them been arrested?

Answer. They have been arrested.

Question. Have they been tried?

Answer. They were tried in the committing court and discharged. The testimony in pretty near all the cases was so conflicting that it was almost impossible to commit

them; and if they had been committed I doubt seriously whether the jury would have found a bill against them.

Question. What was the character of the offense with which they were charged?

Answer. There were a great many cases which the law did not cover; that was what was said.

Question. I mean when they were examined; how did they get clear?

Answer. They would say they were not there.

Question. They proved what is called an *alibi*?

Answer. Yes, sir.

Question. They had witnesses to swear an *alibi* for them?

Answer. Yes, sir.

Question. Have you had any information that enables you to judge of the character of this organization; how it is held together?

Answer. I have no information of that kind.

Question. You do not know what their associations or societies are?

Answer. No, sir.

Question. What has been the effect of their conduct upon the people generally?

Answer. Upon the laboring portion of the people?

Question. Well, yes.

Answer. In some parts of our county a great many of the best working negroes we have had have left.

Question. Why do not the people prosecute these offenders and bring them to justice?

Answer. I cannot imagine.

Question. What is the general sentiment about them among what are called the best people?

Answer. I think they are opposed to it *in toto*, because it is now becoming a kind of pinch on their pockets; they cannot get labor there.

Question. Why do they not come out and prosecute these people, bring them to justice, and send them to the penitentiary?

Answer. I cannot imagine.

Question. They do not do it?

Answer. They do not.

Question. You have said something about elections since 1868. Were you at the election in your county last fall or last winter?

Answer. Yes, sir.

Question. What was the character of the election?

Answer. Well, sir, there were hundreds of voters who did not vote at all.

Question. With which party would they have voted if they had voted?

Answer. They would have voted the republican ticket. I think there must have been at least a hundred who did not vote.

Question. Why?

Answer. They were timid people. I know a great many whites who would not vote at all, who would not go to the polls at all.

Question. Were they afraid to vote?

Answer. Yes, sir.

Question. Did any republicans vote the democratic ticket?

Answer. I do not know of any, but I suspect that several of them did.

Question. Why did they vote that ticket?

Answer. Because they were induced to do so by promises, threats, or otherwise. I am satisfied that some of them did vote that way, but I do not know.

Question. Have the meetings in your county, for the discussion of political questions, been equally free on both sides?

Answer. Yes, sir; I do not think they have interfered with any of the meetings.

Question. Have you ever felt any apprehension yourself?

Answer. They did interfere one night when our Congressman was speaking there, but that was simply boys, no doubt; they shot at him.

Question. You have never felt obliged to leave Lexington through fear?

Answer. I did on the 10th of August, 1868.

Question. State the circumstances about that.

Answer. There was a mass-meeting there.

Question. Was it a republican or a democratic meeting?

Answer. It was a democratic mass-meeting. There was to be a barbacue held there, and I had intimations that if I remained there they were going to mob me.

Question. What had they against you?

Answer. I was a republican.

Question. What has been the general feeling there on the part of those that are called democrats towards republicans, black and white?

Answer. Heretofore, under the teachings of Hon. B. H. Hill, I have walked the

's of Lexington many a time and passed by men I have known all my life, and would not notice me any more than if I had been a dog.
estion. What were his teachings in that respect?
swer. That they should not speak to us; that they ought not to allow us to go into ame house or into the same cars with them; that our wives ought to quit us be- we were radicals.
estion. Have you a family?
swer. I have a grown daughter.
estion. How has your family been treated by the families of democrats?
swer. They have been treated coldly heretofore, but as a general thing they are pleasant and agreeable now.
estion. They are now melting down?
swer. Yes, sir, there is a great change in that regard from 1868 and 1869, I hope ie better.
estion. What is the political sentiment of your county at this time?
swer. I think that there is a majority of republicans in it, but I do not know; if are thoroughly polled I think there would be found a majority there.
estion. Did Mr. Hill speak in your county?
swer. Yes, sir, on the 11th of August, General Toombs, Mr. Hill, Judge Linton ens, and I am sorry to say a brother of mine spoke there.
swer. What was the tone of their speeches?
swer. I did not hear them; I was not there.
estion. You heard from others what was the character of their speeches?
swer. Yes, sir; they were very bitter.
estion. You say that in the case of Mr. Hill, it went to the extent of advising ostracism?
swer. Yes, sir, altogether.
estion. And personal indignity?
swer. Yes, sir.

By Mr. BAYARD:

estion. What was the date of this meeting which was held where you made a h, after which you was assaulted?
swer. On the 14th of October, 1870.
estion. A year ago?
swer. Yes, sir.
estion. It was a meeting called irrespective of party?
swer. Yes, sir, and I think it was a county meeting.
estion. A county meeting of the citizens generally?
swer. Yes, sir.
estion. Did gentlemen on both sides address the meeting?
swer. Yes, sir.
estion. And in the same tone?
swer. I think so.
estion. There were democrats who denounced this lawlessness?
swer. Some I think did.
estion. And some gentlemen of your party denounced it?
swer. Yes, sir.
estion. You say that a gentleman of the name of Willingham had spoken before ntered the meeting?
swer. I entered while he was speaking.
estion. You were not aware of the character of his speech?
swer. No, sir.
estion. What you now state about it is from general information?
swer. Yes, sir.
estion. You understood that he said that some things done by them were desirable?
swer. Yes, sir.
estion. Yet he attended the meeting to prevent their further operations?
swer. Yes, sir.
estion. And the tenor of his speech was in opposition to the continuance of such s, although he thought that in the past some benefit had been derived from it?
swer. That is what I should think.
estion. The meeting was called to prevent further lawlessness; it was called for urpose?
swer. Yes, sir.
estion. It was his son who met you subsequently and inflicted the injuries upon or which you have a suit now pending against him to recover $10,000 civil dam-

swer. Yes, sir.
estion. The young man is well known to you?

Answer. Yes, sir; he has been in my house often.
Question. He assaulted you himself?
Answer. Yes, sir; there were four or five sitting on a bench along the steps.
Question. They were witnesses to the assault?
Answer. Yes, sir.
Question. How old is that young man?
Answer. I should think that he is now twenty-five or thirty years old; he is a tall, stout young man.
Question. You say that a white man by the name of Hardiman was whipped by some of these people for his criminal intimacy with another woman while he was married?
Answer. That was the charge.
Question. And that woman had been run away from the place?
Answer. Yes, sir.
Question. Was she a married woman?
Answer. No, sir.
Question. She was living by herself?
Answer. She was living in her house by herself with a child.
Question. What is the vote of your county?
Answer. It is about sixteen hundred.
Question. What proportion of those are colored votes?
Answer. The majority of them.
Question. Do you recollect what that majority is?
Answer. I cannot, because it has not been out lately. I am speaking of the polls that came in; there are a great many men who do not appear on the poll-books.
Question. Are you all registered?
Answer. No, sir.
Question. There is no registration in your county?
Answer. No, sir.
Question. Have you not a general law of the State requiring registration?
Answer. No, sir.
Question. You say there are about sixteen hundred voters in your county, and that of those there are more negroes than whites?
Answer. I think so.
Question. How many white republican voters in your county?
Answer. From one hundred and fifty to two hundred, I think; I do not know exactly.
Question. How did the county go at the late election?
Answer. Do you mean the election of December last, for member of the legislature?
Question. Yes.
Answer. I was so busy that I paid no attention to it; I just went up and voted, and I do not remember what was the vote.
Question. Who were elected to the legislature?
Answer. Dr. William W. Davenport and John F. Smith; they are here now
Question. Which party prevailed in that election?
Answer. The democratic party.
Question. You were asked whether any convictions had occurred of men engaged in such lawless acts as you have described, such as whipping Mr. Hardiman and others?
Answer. None of them have been indicted that I know of.
Question. Were not some of these cases brought before you as ordinary?
Answer. No, sir.
Question. Are you not a committing magistrate?
Answer. I have been, but I have not been for some time.
Question. During that time did any come before you?
Answer. There were several cases brought before me.
Question. Did you bind them over?
Answer. I did not, because the testimony would not warrant it.
Question. Do you think that was so in other cases?
Answer. Yes, sir.
Question. You said that in August, 1868, you left Lexington because a large democratic meeting was to be held there, and you feared an assault upon you?
Answer. Yes, sir; I did.
Question. How long did you remain absent?
Answer. Until Friday afterward.
Question. How many days was that?
Answer. From Monday to Friday.
Question. Where did you go?
Answer. To Athens.
Question. And you returned on Friday?
Answer. Yes, sir.
Question. And you have been there since?

Answer. Yes, sir.

Question. You have not been assaulted in your house, or property, or person, in any way at all?

Answer. Except by this young man.

Question. You left in August, under the apprehension that if you remained there there might have been an attack upon you, on account of this large meeting to be held there?

Answer. Yes, sir.

Question. You say that Mr. B. H. Hill spoke there; has he spoken there more than once?

Answer. I do not know whether he has spoken there since or not.

Question. Was it the speech he made on that occasion which you believe led to this social slight to you?

Answer. He made such remarks before that time.

Question. Has Mr. Hill made a public speech in your county since August, 1868?

Answer. I do not remember whether he has or not.

Question. Where does he reside?

Answer. At Athens.

Question. You say that at that meeting various other gentlemen spoke, among others a brother of yours?

Answer. Yes, sir.

Question. What is his name?

Answer. His name is John J. Robinson. He is a minister of the Presbyterian Church, and resides in Eufala, Alabama.

Question. He concurred in sentiment with the gentlemen who spoke at that meeting?

Answer. I suppose he did; he acts with the democratic party.

Question. And he sympathizes with them in his views?

Answer. I think he does, from his acting with them.

Question. You say that at that time there were persons in town who would pass you by without speaking to you?

Answer. Yes, sir; and in the country, too. They kept me out of my office of ordinary for two months, and would not allow me to take possession of it after I had given bond for nearly a hundred times the value of it.

Question. You subsequently obtained the office and are in it now?

Answer. Yes, sir.

Question. You complained also that there has been no social intercourse with your family; that there has been a coldness toward them?

Answer. There has been, but it is not so much so now.

Question. That has passed away?

Answer. Yes, sir.

Question. Your relations in society are more agreeable than they were two years ago?

Answer. Yes, sir.

Question. Do you find yourself treated to-day with civility and kindness by your neighbors and friends?

Answer. Yes, sir, as a general rule; there are exceptions.

Question. I understood you to say that you have no personal knowledge of any organization there, and have never seen a man in disguise?

Answer. Not one.

By the CHAIRMAN:

Question. You say that in cases brought before you you were obliged to discharge the parties; was it because they had witnesses to prove an *alibi*?

Answer. Yes, sir; there was a want of evidence, and we could not get it.

Question. Was the want of evidence as to the commission of the offense, or the identity of the offender?

Answer. The identity of the offender; the offense was clearly proven.

Question. Has it been a general characteristic of all attempts to prosecute people called the Ku-Klux, that when men were brought up they would produce witnesses to swear that they were at the time in some other place?

Answer. Yes, sir; and it is very often the case that after we would get out a warrant the prosecutors themselves would fail to appear; the cases would have to be dismissed on that ground.

Question. You have spoken of the prosecution pending in court by indictment against this man Hardiman; was he tried on it?

Answer. Yes, sir; that was long before the whipping. He was tried, and I think fined $100.

By Mr. BAYARD:

Question. He was convicted of the offense?

Answer. Yes, sir.

By the CHAIRMAN:

)uestion. You have been asked about the approving or disapproving of this conduct democrats and republicans. How has it been with the republicans; have they or universally condemned these Ku-Klux outrages?

Inswer. So far as I know they have.

)uestion. How has it been with the democrats?

Inswer. They have not done so as a general thing.

)uestion. As a general thing, have they approved such conduct?

Inswer. That is a hard question for me to answer.

)uestion. Well, so far as you know, how has it been?

Inswer. A great many of them have approved it, have said that in some cases it was it; that there are cases which the law will not reach, and they must take them in ir own hands.

)uestion. Well, as a general thing, perhaps as a universal rule, do you know of any- y who was a democrat having been injured by them, by whipping or otherwise?

Inswer. I do not know that I ever did.

)uestion. Do you know of any republicans who belong to the Ku-Klux?

Inswer. No, sir; I do not.

)uestion. State whether, in your opinion, it is a political organization, for political s.

Inswer. Well, in my opinion, I do not think it is.

)uestion. You do not think it is?

Inswer. I do not.

)uestion. What do you think is the object of it?

Inswer. I think it was to follow up the old slave system of patroling; it originated hat. It may have merged into other things.

)uestion. Is it not a little singular that the victims should all be of one party and the)ngdoers of the other party?

Inswer. Yes, sir; that is very strange to me.

)uestion. You have not in your own mind, however, attributed any political charac- to the organization?

Inswer. No, sir; I have not.

)uestion. What are your politics?

Inswer. I am a republican.

By Mr. BAYARD:

)uestion. And you are now postmaster at Lexington?

Inswer. Yes, sir.

By the CHAIRMAN:

)uestion. Are there not a great many postmasters who are not republicans?

Inswer. Yes, sir; a great many of them in my opinion that are not republicans.

)uestion. Has there been any trouble with the mails of this State in circulating ublican newspapers and republican documents; has there been any trouble on the t of republicans, colored or white, in getting their mail matter?

Inswer. Before I became postmaster I heard some complaints from colored men in county; I do not know whether they stated the truth to me or not, but that is what y told me.

By Mr. BAYARD:

)uestion. Have there been any complaint since you became postmaster?

Inswer. None at all that I know of. They may have complained to my young man, ; not to me. Sometimes they think they can write a letter to-day and get an answer morrow, although it may take a week for the answer to come.

By the CHAIRMAN:

)uestion. I am not speaking of complaint prompted by impatience, but of cases ere there is reason to believe that republican documents have been purposely mis- t or withheld?

Inswer. There are no complaints now to my knowledge.

)uestion. My question was whether you had heard any complaint of that sort?

Inswer. Only from some colored men in my town before I became postmaster.

)uestion. You do not know how it is in other parts of the State?

Inswer. No, sir; I have no knowledge.

ATLANTA, GEORGIA, *November* 1, 1871

B. F. SAWYER sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your present profession or occupation?

Answer. I am thirty-eight years of age; I was born in Talladega County, Alabama; and now live in Rome, Floyd County, Georgia; I am an editor.

Question. In the Daily Constitution of this city, of yesterday, I find the following:

"We had calls yesterday from General Young and Mr. B. F. Sawyer, editor of that good paper, the Rome Courier."

Are you the Mr. B. F. Sawyer there referred to?

Answer. Yes, sir; I presume so.

Question. You are the editor of the Rome Courier, characterized there as a "good paper?"

Answer. Yes, sir.

Question. How long have you been the editor of that paper?

Answer. I have been connected with that paper a little over a year.

Question. Have you been a political editor?

Answer. Yes, sir.

Question. Are there any other papers published in Rome besides yours?

Answer. Yes, sir; the Daily Commercial, the Weekly Commercial, and a weekly paper there called Moseley's Weekly.

Question. What is the political character of your paper?

Answer. It is democratic; conservative.

Question. What is the political character of the Commercial?

Answer. It is the same.

Question. Is there a republican paper published in Rome?

Answer. No, sir.

Question. Who is the editor of the Commercial?

Answer. I think Mr. Shanklin is the political editor, and Henry W. Grady the chief editor.

Question. Is this [handing witness a paper] a copy of the Commercial published in your place? Do you recognize it?

Answer. Yes, sir; I think this is a copy of the weekly edition of the Commercial.

Question. This paper is dated February 3, 1871. I find in an article headed "Ku-Klux outrages" this statement: "The courts of the county have stepped in and done their part in bringing to justice some of the members of the Klan." Do you recollect the instances there alluded to, or any such instance?

Answer. I recollect no instance where a member of the Klan, as such, has been arrested and arraigned. I know that some parties have been, but I do not think that they claim to be members of the Klan. There was an instance in Chattooga County where three parties were arrested for committing some outrage while in disguise.

Question. Who were they?

Answer. I cannot recollect all the parties. One was a man by the name of Epps. I recollect the circumstance, but not the names of all the parties.

Question. You do not remember the names of the others?

Answer. I do not.

Question. Do you know what became of them?

Answer. They were sentenced to the penitentiary, and I think they are there now.

Question. When was that?

Answer. It was at the last spring term of the court.

Question. I find in this same paper the following:

"The democratic party of the South includes the intelligence, the virtue, the respectability, and the honesty of the people. To them belongs the duty of fighting the war for the principles of the Constitution in its purity. No amalgamation with the brutal hirelings of radicalism. A plain and unmistakable line of demarkation should be drawn, across which there should be held no intercourse with those who would basely betray their fellow-citizens to their ruin.

"Let the democracy stand firm and united.

"Let the negro, and his more depraved master, stand alone together to be hated and despised of men. Let them stand, live, and die together as a mournful monument of the degradation to which a cowardly baseness can bring men.

"Fellow-democrats, you are strong enough to save your country. You are 'battling for the right, as God gives you to see the right.' Then fear not.'"

Is that a fair expression of the sentiment of the democratic party?

Answer. Hardly; I think that is rather overdrawn, rather strong. We regard the *democratic party* here, it is true, as representing the wealth and intelligence of the

country. But, still, we do not propose to ostracise the others on account of their political principles.

By Mr. BAYARD:

Question. You did not write that article?

Answer. I did not.

By the CHAIRMAN:

Question. You do not think that expresses the sentiment of the democratic party here?

Answer. No, sir; I do not think it does. In fact, I am certain it does not.

Question. Did you feel called upon, or have you felt called upon, to rebuke in your paper that sentiment?

Answer. I do not know that I ever saw it before. My attention has never before been called to it.

By Mr. BAYARD:

Question. That was not in your paper?

Answer. No, sir.

Question. You have nothing to do with the management of the paper in which that article was published?

Answer. No, sir.

Question. You have no control over its columns?

Answer. No, sir; none at all. And there is not a very cordial feeling existing between the editor of that paper and myself.

By the CHAIRMAN:

Question. In this same paper I find another article headed, "The Grand Jury *vs.* The Klan." Was there a presentment by the grand jury of your county against secret organizations of men who went about at night in disguise, and committed acts of lawless violence?

Answer. Well, sir, the grand jury, in its findings, reported something of that sort, but they made no specifications. The grand jury of the first week of our last spring term reported it; and the grand jury of the second and third week of the term, having investigated the matter thoroughly, reported, in their presentment, that the presentment made by the grand jury before was gratuitous and uncalled for.

Question. Who was the foreman of the grand jury that made the presentment in which this organization was denounced?

Answer. I think Mr. Monroe Shropshire was the foreman.

Question. The subsequent grand jury found that there was no such organization?

Answer. Yes, sir; and regretted the action of the first grand jury.

Question. How did your papers treat the finding of the first grand jury?

Answer. I cannot speak for the Commercial.

Question. How did your paper treat it?

Answer. I condemned the finding—disapproved of it.

Question. I have the Commercial here before me, and in it I find the following article:

"The worthy guardians of the peace and dignity of the State of Georgia for Floyd County, in their recent sittings as a grand jury for the first week of the superior court, have felt it incumbent upon themselves to find a bill of indictment, and then to qualify the same by saying, 'if any there be,' against a part, or maybe the entire population of the county, as '*disguised men*,' who assume to administer self-constituted laws upon an *ex parte* hearing, and then call upon those who may not belong to the organization to assist the lawful officers in ferreting it out and bringing its membership, 'if any there be,' to punishment.

"Byron says, in Childe Harold's Pilgrimage:

> "Smile on, nor venture to unmask
> Man's heart and view the hell that's there."

"Whether the author spoke from bitter experience, or from his knowledge of human nature, as viewed in special instances, it amounts to the same.

"We are disposed to 'smile' at the indictment found against the county, but when we remember that this paper, having the force and effect of law, and regarded as the highest evidence, can and will be used by Bullock in his manipulation of the affairs of the State, and by the entire radical party in Congress against our State, and that it can be held up in the face of Georgia's representatives as undeniable evidence that there exists in this State a powerful organization that set all law at defiance, as witness the findings of the grand jury of Floyd County, the 'banner county' of the democracy in the State, the 'smile' passes away, and 'the hell' of 'man's heart' causes a deep and cutting pain to pierce our better nature for the untimely, and, as we hold, a most unfortunate presentment.

"It is true that the grand jury are sworn to keep each other's secrets during their

deliberations inviolable from the world, and we can have no means of knowing upon what evidence they predicate their findings in this instance. They are a lawful and legally constituted body, and are sworn to make 'true return against all offenders, without fear, favor, or the hope of reward.'

"They charge that there exists an unlawful organization and that this organization proceeds to the violation of law upon *ex parte* evidence. We hold that the proceedings of the grand jury are solely, without a single instance to the contrary, based upon *ex parte* testimony. That no other kind of evidence is ever sought to be introduced before a grand jury.

"We do not believe the cause justified the means in this presentment. A few weeks ago a negro was shot and almost fatally wounded by unknown men, in the streets of Rome. It has never been charged, even by the negro when he thought he was giving his 'dying testimony' upon which it was hoped a conviction of the guilty party or parties might be had, that they were disguised.

"The grand jury even go further and pronounce the wounded negro 'innocent.' Innocent of what? His innocency is based, we suppose, upon his 'dying testimony,' as no one but the parties who did the shooting and the negro are cognizant of any fact that transpired at the time. The law regards every man innocent of whatever crime he is charged with until proved guilty, and we suppose that it was upon this ground alone that the negro was declared innocent, *ex parte* testimony supporting the assumption that he was innocent.

"But a grand jury, legally organized, of good and true men have, under oath, presented these facts to the world, as the result of a careful and laborious investigation.

"Another grand jury, sworn and legally organized for the second week, have directed their attention to the lawlessness of 'disguised men' in Floyd county. They fail to find the existence of that unlawful and reckless organization which terrified their predecessors only a short week before.

"The presentments of both grand juries have been published—the people of the county are vitally interested in their respective reports. We dissent from the report of the grand jury for the first week, for the simple fact that, aside from the assault made upon the negro on the 13th ultimo, the general history of the county for peace and quiet does not sustain that report."

Does that article meet your views of the facts, as you understand them?

Answer. Well, yes, sir; the general condition of the county, in my judgment, did not warrant the report of the grand jury.

Question. In a copy of the same paper, I find copied a correspondent's account of an interview with Mr. Robert Toombs, of your State. The following is a portion of it:

"You have given up, however, all hope of making armed resistance to the United States Government?"

"Not at all. I don't know but that it is about time for us to fight again. Our only hope is in ourselves; every party in the North abandons us. I never expected much from northern democrats since they deserted us at the beginning of the war, so I am not greatly disappointed. I know the men who are their leaders, and they are just as unscrupulous as the radicals. The clique who run Tammany and the northern democracy don't want democratic principles to be successful; they would rather lose the election than have it result in a victory for the old doctrines of the party. They are bondholders, and are just as much in favor of a centralized despotism as the radicals."

"But you surely do not seriously mean that the war ought to begin again?"

"Yes, I do."

"And you remember the bloodshed and misery which that must involve?"

"Yes; but what of it? I am not a peace man. There are many worse occupations for gentlemen than fighting."

Does that meet the approval of the democratic party in this State?

Answer. That was a sell Toombs got off on some correspondent of a paper who was interviewing him.

Question. Why was it published in this paper, the Rome Southerner and Commercial, of June 30, 1871?

Answer. I suppose to show the extent of the credulity of the interviewer.

Question. In looking over this paper I do not see anything to indicate that it is published with the purpose you suggest; it is published without note or comment; I find the following in the same account:

"Don't you regard the acts of the reconstructed legislatures, then, as binding upon the southern people?"

"Of course not. Those legislatures have not been legally elected, and whatever they have done is therefore invalid. They represent only a part of the people—and the worst part—and I have no doubt that most of what they have done will be at some time or other undone."

"Would that involve the repudiation of the State debts they have incurred?"

"Of course it would."

"And what is your opinion about the debt of the United States; do you think that will be repudiated also?"

"I have never believed that public debts in a country governed by universal suffrage will ever stand firm against any great pressure. Just now the people of the North are very prosperous, and the debt is pretty well distributed among them, so there is no particularly strong cry of repudiation; but as soon as the shoe pinches—in some bad season—the people will turn round and throw off every dollar of their public indebtedness. That would happen in any country where universal suffrage prevails."

"You may say that the democratic party is being betrayed by some of its leaders who do not wish that democratic principles should be successful."

"Yes. They do not want to keep this country a free republic any more than the radicals do. This new platform shows that. They are anxious for office, of course. Principles are nothing to them, or rather they are in favor at heart of much the same principles as the radicals."

"But they seem to be supported enthusiastically by the masses of the party."

"I don't think so. With the old platform the democratic party was every year growing in strength, and would have been successful in 1872. Its leaders, however, have changed it, and now, so far as southern men can see, there is no visible difference in principle between democrats and radicals. It is a mere scramble for office. I don't care now which party wins, and think it the best policy to make whatever terms we can, caring nothing about the name of the organization we support. The South holds still the balance of power, and can probably throw victory in either scale."

"But if this platform is unpalatable to the mass of the people, won't the democracy melt away into thin air."

"Why, you know as well as I do that the northern democracy consists practically of a few score men, who have seized upon its machinery and do just as they please. The masses are for the most part so many sheep, who follow them, and know nothing and care not very much about what they are voting for. Every one knows how Tammany Hall sustains itself in the city of New York."

"Negro suffrage, I suppose, you regard as the most obnoxious provision in the amendments?—Why do you object to it so strongly? In your own county a majority of the negroes are democrats."

"It is no particular trouble for us to make and keep them democrats. The negroes all over the South might be induced to vote for their former masters. In my county, where, as you say, the negroes are largely democratic, we used no threats, and did not make any false promises. I told them I did not think they ought to have a vote, and many of them agreed with me. It is precisely for the reason that they can so easily be coaxed into voting for us that I oppose negro suffrage. Men so easily influenced ought not to have any political power. A vote ought only to be in the possession of citizens who are conscious of the responsibility it involves, and are intelligent and conscientious enough to use it rightly. For the present we might strengthen ourselves perhaps against the radicals by the negro vote. But I look to the future, and can see that with negro suffrage good government at the South will always be impossible. The white people of the South are now a unit; but the time will come when they will be divided, and then they will bid for the negro vote, and the worst men will naturally make the biggest offer and control the State. As a good citizen, therefore, I can never consent to accept the fifteenth amendment."

Do you think that expresses the sentiments of the democratic party in Georgia?

Answer. Well, sir, I would not like to say as to that; I can give my individual opinion.

Question. What is that?

Answer. I think the democratic party in Georgia is opposed to an illiterate, ignorant suffrage of any kind.

Question. Do you think this expression of opinion was a sell got off by Mr. Toombs on this correspondent?

Answer. I could not say. It is in the same connection, I suppose.

Question. Then, I understand you to say that you are in favor of having a qualified suffrage, a suffrage limited by intelligence?

Answer. Yes, sir.

Question. Without regard to color?

Answer. Yes, sir; that is my individual preference?

Question. You would require an educational qualification?

Answer. Well, if my opinion is worth anything I can give it. I would be in favor of a mixed suffrage; I would have an educational and property qualification for State senators, for instance; and then I would allow every man, except those who are electors for senators, to vote for members of the house of representatives.

Question. That is your individual preference?

Answer. Yes, sir; it is not because the negro is black that I am opposed to his having the right of suffrage.

Question. You would have the same rule apply to men of either color, black or white?

Answer. Yes, sir.

Question. In another issue of this same paper I find the following:

"Congress starts out a southern outrage committee in a day or two to look through the South and pick up Ku-Klux items. The rads evidently intend to run the next campaign on an 'outrage' basis, and we deplore anything that gives them footing. So let our young men be prudent."

What was the object of such advice as that contained in the last sentence of that paragraph?

Answer. Simply to advise them to be prudent.

Question. What had "our young men" been doing that they should need such an injunction to prudence?

Answer. I do not know; I am not responsible for what that paper says.

Question. I understand that; but I did not know but you might be able to give us some light upon it.

Answer. No, sir. It is very good advice, however; everybody should be prudent, especially at this time.

Question. The following is another article from the same paper, of date February 17, 1871:

"NOT A BIT OF IT.—The venerable whistler of the *Courier* takes advantage of us in the following savage style:

"'MURDER WILL OUT.—The amusing account given by our neighbor of the Ku-Klux adventure tells more perhaps than the writer intended. We suspected all the while that we were exerting ourselves to please the ghostly crew, that we knew the form and recognized the snigger of the little fellow in the spotted shirt, who rode the little mule, and since no one but those engaged knew what transpired, we are now convinced that our suspicions were correct, and that the tail end of the Ku-Klux was no one else than our facetious young friend, Henry W. Grady.'

"We deny the impeachment, but we do not blame the colonel for making the mistake. He was a little excited, and besides he always shuts his eyes when he whistles."

Who is Henry W. Grady?

Answer. The editor of the Southerner and Commercial.

Question. Is there anything more in that article than a bit of pleasantry between two editors?

Answer. Nothing more than a bit of pleasantry.

Question. Is this [handing witness a paper] a copy of your paper, the Rome Courier?

Answer. It looks like it.

Question. It is dated March 25, 1871, and in it I find the following article:

"AND THE ASS OPENED HIS MOUTH AND SPAKE.—The waning chances of Butler's Ku-Klux outrage has at length operated upon the thick tongue of our still thicker headed President, like an extra glass of his favorite burst head, and he has again unsealed the silence of his lips, and spoken to Congress in behalf of old Spooney's designs upon the southern people.

"Oppression and outrage is so sweet to the tyrant that Grant could not bear the thought of seeing Congress adjourn without giving him extraordinary powers to oppress our people, and with a lie on his tongue and the poison of asps under his lips, he thus appeals to the radical hatred to grant his request:

"'A condition of affairs now exists in some of the States of the Union, rendering life and property insecure, and carrying the mails and the collection of the revenue dangerous.

"'The proof that such a condition of affairs exists in some localities is now before the Senate. That the power to correct these evils is beyond the control of the State authorities, I do not doubt; that the power of the Executive Department of the United States, acting within the limits of existing laws, is sufficient for present emergencies is not clear. Therefore I urgently recommend such legislation as in the judgment of Congress shall effectually secure life, liberty, and property, and the enforcement of law in all parts of the United States.

"'It may be expedient to provide that such law as shall be passed in pursuance of this recommendation shall expire at the end of the next session of Congress. There is no other subject upon which I would recommend legislation during the present session.

"'U. S. GRANT.'"

Question. Was the portion of that article preceding the message of the President from your pen?

Answer. I presume it was, but I do not now recollect it. I am willing, however, to assume the responsibility of its authorship.

Question. At all events, it meets your approval?

Answer. Yes, sir.

Question. In a copy of the Rome Courier, of date February 24, 1871, I find this article:

"THE KU-KLUX—THE ATLANTA SUN AND BULLOCK'S PROCLAMATION.—The Atlanta Sun publishes an official proclamation of Bullock's, setting forth alleged perpetration of certain offenses by disguised parties in this vicinity and county, and offering a reward of $5,000 for the amount of one and $1,000 each for the remainder of the band.

"The Sun, in its comment upon the alleged offenses, very properly condemns them, if true, and calls upon our good citizens to interpose their influence and strength to put down the marauders, and to arrest the reign of outlawry in our country.

"By this proclamation a great injustice is done our people. But as the foolish adventure of the party that entered our city upon the night in question gives our enemies an opportunity for the abuse of their powers, we suppose that we must accept of the odium and bear the evil consequences.

"As to all the allegations set forth by Bullock, in his proclamation, we cannot answer. But so far as the insults and threats offered to our citizens during their inexcusable visit, we know that they are false. Neither was there a negro mortally wounded in the vicinity of Rome upon the night in question.

"We ourselves happened to meet them on our return from our office, and only from their numbers would any one have supposed that they were other than a party of ordinary citizens, as we did not observe a single mask worn by the party, or any unusual dress.

"Yet, for all this, the fact of their riding in a large body, and entering our city at the hour of 11 o'clock, is sufficient to call forth a five-thousand-dollar reward for their arrest.

"We do not blame Governor Bullock for his effort to preserve the peace and maintain the dignity of the laws. In this he has our hearty co-operation, and we are only sorry that he gave the example himself of setting the law at defiance, by pardoning out of prison condemned felons reeking with the blood of their murdered victims. Neither do we approve the existence now of any secret organization that has for its object the interference with outside or public affairs.

"At the time this party entered Rome we condemned their presence—not for any actual harm that they were doing or did; but we readily believed that their movements would be seized upon as a pretext by our enemies to injure us in the eyes of those who were not familiar with the facts.

"We still condemn them for the same reasons, and appeal to them, for the sake of our common interest, to desist from such conduct in future, and thus deprive our enemies of their strongest weapon against us.

"But while condemning the foolish and indiscreet action of these parties, we yet have to condemn in as strong terms the unwarrantable and unjust uses made of them by our enemies. And right here we will remark, that this abuse is as outrageous as are the acts of any Ku-Klux that ever plied the lash or sounded a whistle, and it is that that has deterred the press from speaking out in more emphatic terms against them. As an instance, the Chronicle and Sentinel published and condemned a foul outrage committed by unknown parties upon some negro convicts in Jefferson County, not long since, when, a few days after, old beast Butler, a meaner man than either of the negroes whose ears were cropped for house-burning, paraded the paper in Congress, and read the article to prove that Corker was not entitled to his seat, because of this occurrence. As long as such base uses are made of our attempts to publish and condemn these acts of violence, we would be at least justified in alluding to them as gingerly as possible. But no such policy has actuated us, and we have ever been, and are still, ready to condemn wrong and outrage wherever we can find it."

Question. Is that article from your pen?

Answer. Yes, sir; I suppose it was.

Question. What was that affair in Jefferson County to which you refer in this article?

Answer. I do not recollect positively; but I now think it was the case of breaking into a jail, taking some prisoners from it and whipping them, and probably cropping their ears.

Question. They are spoken of here as "negro convicts." Were they persons who had been tried and convicted?

Answer. I do not know whether they had been convicted, or were in jail awaiting trial. By reference to the Chronicle and Sentinel of the 16th, you will find out the particulars.

Question. You use this expression in your article: "Any Ku-Klux that ever plied the lash or sounded a whistle." To what did you then allude?

Answer. To an imaginary lash and an imaginary whistle that they were reported to have.

Question. Do you mean that it was an imagination of your own, or an imagination of somebody else?

Answer. It was either; I used it there figuratively.

Question. On the inside of the same paper I find a proclamation of Governor Bullock, the same, I suppose, as that referred to by you in this article?

Answer. Yes, sir.

Question. The proclamation, with editorial comments, is as follows:

"A PROCLAMATION.—We have received the subjoined proclamation from Bullock, with the request to publish three times and forward bill to the executive department for settlement.

"We publish the proclamation to show our people what a great ado can be made about nothing, but we decline to publish it as an advertisement, as we cannot become a party to the outrageous swindles that are now being perpetrated upon the people of Georgia by this reckless man and his subsidized press.

"His entire system of public advertising is an outrageous swindle, and, as we have before stated, one of the first duties that will come before the next legislature will be that of holding him to an accountability for his extravagant, unwise, and shameful abuse of this power.

"That there is a necessity for public advertising there is no one so foolish as to deny but that this necessity should be employed by an executive to the abuse of its intentions and uses is just as criminal as was the exercise of his pardoning powers, whereby the laws of the land were set at defiance, and murderers were turned loose upon society.

"It is a well-known fact that Bullock uses this advertising patronage without any regard to reason, justice, or indeed common decency. He has already spent upon newspapers the sum of one hundred thousand dollars, when the sum of three thousand or five thousand at most would have been amply sufficient. This enormous expenditure of the public money is not only impolitic, but is actually criminal, and its perpetrator ought, in common justice, to be held accountable for it, and those papers who accept of and countenance it are scarcely less criminal than the man who offers it.

"Regarding it in this light, we not only decline Mr. Bullock's request to publish his proclamation as an advertisement, but spurn it with contempt.

"We claim that our circulation entitles us to the public advertisements in this section of the State, and are willing to contract for its publication, setting apart one column, which is all that is necessary for the use of the governor, to be changed by him as the public interest demands, but for the indiscriminate, extravagant, and unnecessary publication of all his advertisements we cannot become a party to and earnestly condemn those that do.

"The following is the proclamation referred to above:

"'A PROCLAMATION.

"'GEORGIA:

"'By RUFUS B. BULLOCK, *Governor of said State.*

"'Whereas it has been made known to this department that on the night following Christmas last, to wit, the 26th of December, 1870, a band of disguised men, said to be nearly forty in number, visited the plantation of Colonel Waltemire, situated about fourteen miles below the city of Rome, and did then and there cruelly whip and otherwise maltreat two negro men, named respectively Lewis Garrett and William Bradham, and did, at the same time and place, cruelly beat and otherwise maltreat an aged negro woman by the name of Mary Benafee, and did then and there, as is alleged, commit a rape upon the persons of three colored girls, named respectively Carrie Sanders, Delia Horton, and Kate Bogan, and did, then and there, maltreat Colonel Waltemire, and take from him his gun; and

"'Whereas it is reported to this department that on the night of the 6th of February, instant, a band of disguised men, some forty or more in number, being at a point within a mile of the city of Rome, shot and mortally wounded a colored man named Joseph Kennedy, and cruelly beat the wife of said Kennedy; and

"'Whereas it is further alleged that the same party of disguised men did, on the same night, cruelly beat and otherwise maltreat an aged colored man named Jordan Ware, and take from him, the said Ware, a valuable watch and gun; and

"'Whereas it is further reported that about twenty-one mounted members of the said disguised band came into the city of Rome and made threats against several parties therein, and rode through one of the principal streets of the city, and were seen in their disguises by several of the citizens; and

"'Whereas no specific charges have yet been lodged against, or arrests made of, any individuals known or believed to be members of the said band of disguised men; and

"'Whereas it is the desire of all good citizens of the State that the party or parties engaged in the unlawful and barbarous practice heretofore recited, by the commission of which shame and disgrace is brought upon the fair name and fame of our State, should be ferretted out and have impartial trial before the courts:

"'Now, therefore, to the end that the executive department shall have done all that the law permits it to do toward the accomplishment of this desirable purpose, it is—

"'*Ordered*, That a reward of five thousand dollars be, and is hereby, offered for the arrest and conviction of any person engaged in perpetrating either or all of the out-

rages heretofore recited; and a reward of one thousand dollars each for the arrest and conviction of any additional number of persons engaged in the violations of law as above recited.

"'Given under my hand and the great seal of the State, at the capitol in Atlanta, this fifteenth day of February, in the year of our Lord eighteen hundred and seventy-one, and of the Independence of the United States of America the ninety-fifth.

"RUFUS B. BULLOCK.

"'By the governor:

"'DAVID G. COTTING, *Secretary of State.*'"

"We alluded to the character of this proclamation in our last, when we characterized it as unjust to our people. We still denounce it as unwarrantable in service, and false in its allegations.

"We do not know anything about the whipping of the negro, but venture the assertion that if he was whipped at all, every lick he got was well deserved. He had but a few days before grossly insulted a white lady, whom he met in the road, and while we do not approve of lynch law in general, we do think in this case Jordan ought not to complain of an injustice, while the lady was spared the mortification and shame of appearing in court in connection with a cause that the delicacy of any lady would shrink from in terror.

"As to the outrages committed upon the premises of Colonel Waltemire, we cannot speak. We only know that so far as the maltreatment of Colonel Waltemire is concerned, that the charge is an arrant lie. We have never yet known a gentleman of Colonel Waltemire's address, worth, and character, to be interfered with by these horrid Ku-Klux, bad as they are. We only conjecture that if the outrages upon the dusky dames were perpetrated at all, they were done by some miserable radical scoundrels, and in their apprehension we wish the governor all the success possible.

"We have already spoken of and condemned the visit of the party in question to our city. We still condemn it, but do not consider it sufficiently criminal to call forth such a reward as the governor now offers. But it is not his money he offers, but the money of a people whom he hates, and delights to slander and oppress."

Are those editorial comments also from your pen?

Answer. Yes, sir.

Question. What was the case of the negro Jordan to which you allude here?

Answer. The case as reported to me by an ex-Federal soldier, a gentleman by the name of Helmcamp, was this: I asked him why they whipped Jordan. It was done on the premises where he was. He said Jordan had insulted a white lady a few days before, and they had whipped him for that. That is all I know about it. He is my authority for the statement I made there. I asked him what he would have done. He said, "I should not have waited until night to have whipped him, but I would have blowed his brains out that day."

Question. What was the insult given?

Answer. He had made lecherous advances to the lady.

Question. In what way?

Answer. By speaking to her, and also by his acts.

Question. What had he said to her?

Answer. He called her "wife," and thrust out his tongue at her. The lady ran away very much frightened.

Question. That was the information you had?

Answer. That was the information that Mr. Helmcamp gave me.

Question. You spoke of him as an ex-Federal soldier. Why did you mention that fact in connection with what you say was his statement to you?

Answer. I thought that you would regard him as good authority, at any rate as one who would not be apt to be biased.

Question. What are his politics?

Answer. He was a republican, I think, until the last election; at the last election he voted the democratic ticket.

Question. This proclamation says:

"It has been made known to this department that on the night following Christmas last, to wit, the 26th of December, 1870, a band of disguised men, said to be nearly forty in number, visited the plantation of Colonel Waltemire, situated about fourteen miles from the city of Rome, and did then and there cruelly whip and otherwise maltreat two negro men, named respectively Lewis Garrett and William Bradham, and did, at the same time and place, cruelly beat and otherwise maltreat an aged negro woman by the name of Mary Bonafee, and did then and there commit a rape upon the persons of three colored girls, named respectively Carrie Sanders, Delia Horton, and Kate Bogan, and did then and there maltreat Colonel Waltemire, and take from him his gun."

In your editorial comments you say:

"As to the outrages committed upon the premises of Colonel Waltemire, we cannot

speak. We only know that so far as the maltreatment of Colonel Waltemire is concerned, that the charge is an arrant lie."

How did you know that?

Answer. I assumed it there, and afterward I asked Colonel Waltemire about it, and he confirmed my views as there expressed, and said that they did not maltreat him.

Question. What did he say about their coming to his place?

Answer. I think he said a party of men were there.

Question. Did he say that they maltreated those colored people?

Answer. I did not ask him about that.

Question. Why not?

Answer. I was not interested about them; I was more particularly interested about him, because he was a gentleman I very much admired and respected.

Question. He said they did not take from him his gun?

Answer. He said they did not offer any insult to him?

Question. Did he say whether or not they took from him his gun?

Answer. I did not ask him and he did not say. I should have supposed that would have been maltreatment, and that he would have mentioned it if they had done it.

Question. In the Southerner and Commercial of February 17, 1871, I find the following article:

"THE KU-KLUX KLAN.—AN ARTICLE IN WHICH THE EDITOR SPEAKS HIS MIND VERY PLAINLY.—A few words of soberness and truth with you, good friends, then we drop this subject.

"It is a pretty well acknowledged fact that 'Ku-Klux outrages' beat Seymour and Blair in the election of 1868. We do not mean by this that the actions of the Ku-Klux in themselves effected this disaster, but the construction and exaggeration put upon them by the scallawags in the South and scoundrels in the North did do it.

"The radical party are evidently determined to make the next race upon the same basis. The sending out of the southern outrage committee, at an expense of $20,000, is the first step in the schedule.

"It is absolutely necessary that these corpse-hunting, grave-yard ransackers be met and baffled. We should give them no grounds upon which to base a bloody report, or the campaign of '72 will duplicate the disaster of '68.

"Hence, the Commercial, as a guardian of the good of the public, appeals to those of its friends who have any connection whatever with secret organizations, *to remain perfectly quiet and orderly, for the present at any rate.* Let there be no suspicion of disorder or lawlessness; let there be no parading of disguised men, no stopping of innocent men and forcing them to dance; this is all child's play and foolishness.

"The Commercial has always *spoken fearlessly*, and has always, without fear or favor, championed the cause of the *white man.* There has never been a moment of indecision when we were called upon to write the truth or fight the good fight; and we take pride in believing that our friends will hearken to us when we earnestly beg them to act with prudence and judgment, *to smother personal prejudices, and engage in no unmanly and unnecessary brawls.* The exciting elections have all passed; the good cause has triumphed; the enemies of Georgia are beat to the dust; justice has replaced the bayonet in the court-room, and the blue coat of the hireling has given way to the ermine of the judge.

"Then let the harsh asperities that were necessary during the 'reign of terror' pass away like a dream. The fight has been fought, and the right has triumphed; the farmer can go to his plow in peace, and no man need be in fear of his life.

"The eyes of the continent are on us; a half dozen murders in Cherokee, Georgia, during the next six months, would be worth a hundred thousand votes in '72. Is there any one of us who is willing to do this much for the bad cause merely to gratify a personal hatred? Then let us be quiet and bide our time; a passion chained down is a more fearsome and a nobler thing than a passion gratified.

"Above all, let there be no idle vaunting, no coasting about the country for mere buncombe. *Remember, brothers,* that *the strength and power of any secret organization rests in the attribute of mystery and hidden force, and in the fact that upon the thousand hills of our country a legion of brave hearts that are throbbing quietly can be called together by a tiny signal, and when the work is done, can melt away into shadowy nothing.* Every time you act you weaken your strength; *then be quiet.* If an inexorable necessity calls for action, act promptly, with decision, and do nothing more than is absolutely necessary."

Do you concur with the writer of that article in the sentiments there expressed?

Answer. Not at all; I think that is but a piece of high buncombe.

Question. What do you mean by that?

Answer. That it is exaggerated, and was put forth for no purpose but to vaunt a little.

Question. What do you mean by its being exaggerated?

Answer. I mean that there is no state of facts, no condition of parties, that would warrant such advice; and I know that the people disapproved of that article when it appeared.

Question. Why?

Answer. Simply because it was unnecessarily exciting the fears of people who did not understand this matter, and it would be used against us, as I think probably it was used against us in the Senate of the United States.

Question. The statement of facts that runs through that article you think was exaggerated?

Answer. Certainly; I do not think there was any organized band on a thousand hills to be summoned by any whistle.

Question You think that in that respect it was an exaggeration; too many hills were mentioned?

Answer. Yes, sir, and too many men.

Question. In the Rome Courier of June 16, 1871, I find the following article:

"ANOTHER OF BULLOCK'S LIES NAILED TO THE COUNTER.—We are authorized by responsible authority to state that the charges averred by Bullock, in his Ku-Klux proclamation, relative to the rape committed upon the person of the wife of Anderson Poullain, (colored,) is an infamous lie. Anderson Poullain and his wife, in the presence of A. T. Harper, a justice of the peace, both deny that any such outrage was committed or attempted, and that the assumption of the governor to that effect is false and gratuitous.

"The whole of the outrages complained of in that neighborhood were perpetrated by a party of drunken boys, all of them under twenty years of age, and originated as follows:

"Some time in last March the boys in question gathered at Mr. Penny's grocery, an institution long a curse to that splendid neighborhood, but now happily removed and closed, to indulge in a shooting match. During the sport some negroes appeared with their guns, and offered to join in the match. This the whites refused to allow, but yet being sober, no offense was taken at the offer. Later in the day, however, when the liquor began to tell upon their better nature, they began to reflect upon the conduct of the negroes, and construed it into an insult; and the drunker they got the more enraged they became, until at length they determined to go and break the negroes' guns, and, with the drunken madness of youth, they did so, and took from the negroes their guns and broke them up. But beyond this no indignity or personal violence was offered the negroes.

"The whole affair was only an act of malicious mischief, instigated by bad whisky, of no political significance whatever, and as such condemned by the whole community.

"But for all that our rich governor offered for the apprehension of the boys, twelve in number, the nice little sum of $16,000.

"If the instances cited by the governor, to prove that our people are fit subjects for Grant's bayonets in other parts of the State, are of no more significance than the ones he parades so grandly from this county and Chattooga, his cunning has deceived itself, and instead of proving us barbarians, he will only prove himself to be a miserable liar and scoundrel."

Do you know whether any of those parties have been punished?

Answer. No, sir; I think they have not been yet.

Question. Do you know whether the grand jury failed to find a bill against them?

Answer. Our grand jury failed to find a bill against them; I understand that the United States grand jury found a bill.

Question. From your statement of the case there, I understand it is the same case in regard to which Mr. Monroe Shropshire told us, that the grand jury, of which he was foreman, failed to find evidence to identify the parties, and they came before the Federal grand jury, and it found a bill against them.

Answer. I do not know what he told them; that was the case reported there.

Question. From the Rome Courier of September 28, 1871, I take the following article:

"THE NORTH CAROLINA KU-KLUX TRIALS.—We publish elsewhere the charge of Judge Bond, and the verdict of the jury and sentence of the court in the Ku-Klux trial in North Carolina. This is remarkable, not only as being the first trial under the Ku-Klux law, but for the shameful and indecent conduct of Judge Bond, who seeks to propitiate his master Grant by imitating the infamy of a Jeffries.

"While we caution our people to be particularly careful not to render themselves obnoxious to the infamous law, *we yet call upon them to cherish in their heart of hearts an undying hatred to the tyrants who have inflicted this law upon our land, and when the time does come, as come it assuredly will, to let the recollection nerve their arms to strike the harder for* VENGEANCE.

"The jury who tried these prisoners was a packed radical concern, composed of negroes and the lowest-down white rascals. The prisoners were not allowed to challenge the array, and so far as the right of trial by jury of their peers was concerned, the thing was a shameful mockery, worse than the military commission that murdered Mrs. Surratt."

Is that article also from your pen?

Answer. Yes, sir.

Question. Upon what authority did you make the statement reflecting so harshly upon the jury that tried those cases?

Answer. I think it was upon a statement of a New York Tribune or a New York Herald correspondent, I do not now recollect which.

Question. That correspondent represented that jury as "composed of negroes and the lowest-down white rascals?"

Answer. Yes, sir. I do not recollect whether it was a Tribune or a Herald correspondent; or it may have been a correspondent of the New York Sun.

Question. You say, "While we caution our people to be particularly careful not to render themselves obnoxious to the infamous law," &c. Why did you think it necessary to give such a caution?

Answer. Well, I think it is right to caution people to abide in peace any way.

Question. Did you think there was any danger that they would violate that law?

Answer. Occasionally little outbreaks would occur.

Question. Had there been, in your county, any instances of violation of that law?

Answer. Some such as that Penny affair. I alluded to such cases as that; drunken brawls, such as might occur in any county.

Question. What did you mean when you said, "We yet call upon them to cherish in their heart of hearts an undying hatred to the tyrants who have inflicted this law upon our land, and when the time does come, as come it assuredly will, to let the recollection nerve their arms to strike the harder for vengeance?"

Answer. Well, I used that language figuratively, to cherish those things and remember them.

Question. How are you going to have those things revenged?

Answer. By the ballot.

Question. Then by what you there said you merely meant that they should go to the polls and vote the democratic ticket?

Answer. Yes, sir.

Question. That was all that you meant by it?

Answer. Yes, sir; that was all.

Question. In your paper, the Rome Courier, of August 11, 1871, I find published a presentment of "the grand jurors for the third week, July term, 1871," in which is used the following language:

"We would respectfully recommend His Excellency Rufus B. Bullock, governor of this State, to withdraw his proclamation offering a reward for the arrest and conviction of all disguised persons who commit offenses against the laws of this commonwealth, so far as relates to the county of Floyd. We have made diligent inquiry into reported offenses in this county, and the only instance (we allude to the late affair in Livingston district) in which the parties could have been arrested has been thwarted by said proclamation. The parties referred to have fled from the State, and, from the best information we can get, to prevent parties from making the arrests because of the rewards offered. We are satisfied that the governor's proclamation, so far as relates to this county, has had a deleterious effect, in that it has prevented the courts from bringing to justice men who have violated the laws of the land."

Do you know anything about that?

Answer. I do not now recollect particularly. I think it referred to a presentment by a former grand jury, which I think had a bad effect, because the governor offered exorbitant rewards for very trivial offenses, and it caused the parties to abscond.

Question. Suppose the offenses had been such as were described in the proclamation, would you have regarded them as trivial?

Answer. I would not regard them as warranting such rewards. I think $5,000 is an extravagant reward for almost any offense.

Question. If a party of disguised men commit rapes upon certain women, and are not discovered for several weeks, would you think $5,000 an extravagant reward for their apprehension and conviction?

Answer. That is a very grave offense, one of the gravest that could be committed.

Question. If a party of disguised men should go in the night to your house while you are asleep with your family, break down your doors, drag you from your bed, throw you down upon the ground and scourge your person until insensibility was produced, should you think that $5,000 any sort of compensation for the offense?

Answer. I might not individually; I think, though, a thousand dollars' reward would have operated as well.

Question. Before I pass away entirely from the Southerner and Commercial, I will read a paragraph from that paper of the 27th of October, 1871, as follows:

"Grant proposes to arrest thousands of Ku-Klux in Georgia and South Carolina. How will he know who are Ku-Klux, or if there are any Ku-Klux? Will he take the testimony of his dirty pimps who are scattered throughout those States!"

Do you know to whom reference is there made?

Answer. No, sir; I do not.

Question. In the same paper I find the following:

"GOOD.—The infamous emancipation proclamation was burned by a merciful Providence in the late fire at Chicago. The writer of this proclamation was burned by the devil, long, long ago. Let us pray."

Does that express the sentiments of the readers of your papers?

Answer. It does not of the readers of my paper, nor of his either. I do not suppose there are three men in the county who would indorse such a sentiment as that.

Question. How does it happen that such papers are circulated and patronized?

Answer. That paper is partly sustained by the publication of Governor Bullock's proclamations. That paper is his organ in our county; he can probably explain to you better than I can why it is so.

Question. Have you published any of his proclamations?

Answer. No, sir.

Question. Which paper has the largest circulation?

Answer. We claim that ours has.

Question. Does this other paper claim to have the largest circulation?

Answer. No, sir; I believe not. We have the county advertising, which by law must be given to the paper in the county having the largest circulation.

Question. In publishing his proclamations, Governor Bullock does not limit himself to papers of his own politics?

Answer. At any rate he publishes them in that paper.

Question. When he publishes his proclamations I suppose he does so in those papers that the people of Georgia would be most likely to see and read?

Answer. Not in every case; I have known him to publish them in papers that had hardly more than a dozen subscribers.

Question. How is it with this paper?

Answer. I do not know how to explain it.

Question. Another paragraph in this same paper is as follows:

"GENERAL GRANT HAS GONE TO THE FRONT! THE ARMY MOVES TO-MORROW!—Grant has said to his confidential advisers that if the bands of Ku-Klux in Georgia and South Carolina do not come in and surrender themselves within ten days, that he 'will arrest thousands and place the States under martial law.' America is said to be the freest country on earth! Russia is said to be the most despotic! The Czar of Russia would not dare to threaten what Grant proposes to do! When will the end of all this come?"

Does that express the feeling of your community?

Answer. I think it does.

Question. In your own paper, the Rome Courier, of July 1, 1871, I find the following:

"Thus, the President, being a military commander, has the right in certain cases to declare martial law, and to suspend the writ of *habeas corpus*, and it is precisely just such cases as the Ku-Klux bill describes. That bill declares the necessity of exercising this right, although we all know that its every premise was false, and that *every member of Congress who voted for that measure was in his secret soul a perjured traitor*, yet it stands before the world vested with all the sanctity of judicial indorsement, and is independent even of the recent amendments."

Is that from your pen also?

Answer. What is the heading of the article?

Question. There is no heading to it; it is from a leading article in the paper.

Answer. Let me look at it, if you please. [The paper was handed to the witness, and after looking at it he said:] I recognize the article.

Question. I take it that expresses your opinion and your belief?

Answer. Well, I would like to qualify it somewhat.

Question. How would you qualify it?

Answer. I would not make it quite so strong.

Question. Do you thing this met the approval of your readers and patrons?

Answer. Well, they regard the passage of that act as a very iniquitous proceeding

Question. Why?

Answer. Because it is oppressive in its tendency.

Question. Was there anything forbidden by that act that anybody down here wanted to do?

Answer. Well, as the result of it, there is the State of affairs now existing in South Carolina. Martial law is declared there, and I think that meets the disapproval of our people.

Question. That is not exactly the point of my question.

Answer. That is a consequence of that law, and I supposed it would lead to that.

Question. Did the Ku-Klux bill, as it is called, forbid the doing of anything that your people wanted to do?

Answer. I think not.

Question. Then if you did nothing that was forbidden by that law there would be no danger of martial law here?

Answer. I will not say that; I thought it quite likely that martial law would come.

Question. Now, to go to a little different subject. I find the following in the Rome Courier of June 23, 1871:

"THE LAWS OF THE MEDES AND THE PERSIANS.—It was once the proud boast of the Medes and the Persians 'that their laws were immutable; that whatever the king's counselors decreed, and the king confirmed, was to be the law of the land, irrevocable, irremediable, and unchanged as the course of the planets.'

"It was a proud boast, but it was also a vain and slavish one; a boast that none but a despot and a despotic's minions could indulge in, for it was the argument of kings that they could do no wrong, and whatever they did was to remain fixed forever.

"Much about the same boast is now being raised to estop the possibility of the American people correcting the evils that have been inflicted upon them by an inconsiderate and incompetent legislation.

"When the voice of a just indignation is raised against the tyrannical measures that have been foisted upon our people, it is at once silenced by the blatant tyrants bellowing at the top of their voices—Fixed facts! Fixed facts!

"These are the arguments with which the tender-footed democrats and conservatives so universally settle the question of negro supremacy, and the other iniquitous outrages foisted by Congress upon us. Fixed facts! and pray what makes them fixed? Are our laws to be as unchangeable as those of the Medes and the Persians? Are not *the people able to undo what a usurpatory body of scoundrels have done?* Is the genius of our Government so changed that its defects cannot be remedied; that its disease cannot be cured? Are we indeed such slaves that because a law is enrolled on the statute-books, it cannot be erased?

"Oh! but it is replied, the Constitution has fixed it, and the Constitution cannot be changed. And how was it made a constitutional fixture? And is not the same power that made it competent to unmake it?

"The argument is a false and a dangerous one. The facts are not fixed. *The question is not settled, and should not be until these disgraceful facts are unfixed.*"

Is that also from your pen?

Answer. I presume it is.

Question. Those are your sentiments?

Answer. Yes, sir.

Question. I suppose you refer in that article to the recent amendments to the Constitution of the United States?

Answer. To a part of those amendments.

Question. What part?

Answer. Well, I am opposed to that part of the fourteenth amendment that disfranchises our people; I would unfix that part of it. I would unfix the fifteenth amendment entirely, not from any opposition to negro suffrage in particular, but because I think the question of suffrage is one that pertains to, and ought to be left alone to, the States to be determined by themselves. The thirteenth amendment I would not undo.

Question. Why not?

Answer. Because I would not again reopen the matter of slavery.

Question. Do you think the sentiments you have expressed here are the sentiments of the democratic party?

Answer. I think so; yes, sir.

Question. Of the democratic party in Georgia?

Answer. Yes, sir.

Question. You would abrogate the fifteenth amendment entirely, and that part of the fourteenth amendment which disqualifies persons from holding office?

Answer. Yes, sir. We would do it by legal measures, however; by the ballot.

Question. In the Rome Courier of September 24, 1871, I find this paragraph:

"We understand that the United States district court grand jury in Atlanta came within an ace of finding true bills against the members of our superior court grand juries for failing to indict the Livingston boys at the instance of Bullock's reward-scenters. The man who is not willing to trust the integrity of a Floyd County grand jury ought not hold office under it."

What man is referred to there?

Answer. I referred to our deputy sheriff.

Question. Who is he?

Answer. Mr. W. G. Foster.

Question. A gentleman who has been before us as a witness?

Answer. I do not know whether he has been before you or not.

Question. What is his character?

Answer. It is very good.

Question. What are his politics?

Answer. His politics have been democratic, and I suppose they are yet.

Question. Is he an honest man?

Answer. Well, I had always esteemed him so.

Question. Do you esteem him so now?

Answer. Yes; I would trust his honesty.

Question. Is he an intelligent man?

Answer. Yes, sir; he is a man of tolerably fair and ordinary intelligence, I reckon.

Question. I find in the same paper the following paragraph:

"CONGRESSIONAL KU-KLUX COMMITTEE.—A sub-committee of this iniquitous body is now holding its sessions in Atlanta. Several witnesses have been summoned from this county, and we may look out for rich developments. *The Spanish inquisition was not more disgraceful and dangerous than is this rotten concern.* Colonel Sawyer has been summoned to appear before the committee, and will leave for Atlanta to-day. They will be very apt to worm all the secrets of the order out of him. 'You bet.'"

Is that also from your pen?

Answer. I will assume it, at any rate. It was a little bit of silly pleasantry, such as we sometimes indulge in, and are very often ashamed of afterward. The idea intended to be conveyed was that if your committee was to trouble themselves to shear a pig they would get but little wool.

Question. I would like you to answer my question whether this article is from your pen or not.

Answer. Well, yes, it is from my pen.

Question. Before I pass from the other article concerning the failure of your grand jury to indict the Livingston boys, I will ask you if Mr. Foster came to your office after that article appeared and inquired whether or not he was the person alluded to?

Answer. Yes, sir.

Question. Was he assured that he was not?

Answer. No, sir.

Question. Did you tell him that he was the person alluded to?

Answer. Yes, sir; and I wrote an article in explanation of it. I have not with me the last number of my paper; I left the article there, and I suppose it was published. He explained all his connection with the matter, which was satisfactory to me.

Question. In this article you express your disapproval of this committee and the duties assigned to it by Congress, but you give no reasons for your disapproval. What objection have you to any committee examining into and reporting upon the actual state of things in your county?

Answer. Well, my great objection to it is that the statement you make is altogether an *ex parte* statement.

Question. What do you mean by *ex parte*?

Answer. Well, that you only see and hear the worst side of the question, and that your object is to work up something to make political capital out of to be used against us. That is my opinion of it, and that is the opinion of the southern people generally.

Question. Do you know how this committee is composed, who are its members, and what is their political status?

Answer. I know that it is composed of five members—two democrats and three republicans.

Question Do you think the democratic members of the committee are not able to take care of that side of the case?

Answer. Well, according to the republican rule in this state, in regard to the custody of ballot-boxes, &c.,——

Question. Do you understand that the minority of this committee have no right to call witneses, and do not call just such witnesses as they see fit?

Answer. I understand but little about that matter; I have never conferred with them.

Question. Then you do not know much about it?

Answer. No, not a great deal; only I had seen the reports of their operations elsewhere.

Question. What do you mean by "elsewhere?" Are not Congressional committees always organized in that way?

Answer. I do not know; I presume they are.

Question. And the witnesses that are brought before them are examined and cross examined?

Answer. This is the first time I ever had the honor to appear before one, and I do not know the course of action.

Question. Referring to your having been summoned before this committee, you say in this article, "They will be very apt to worm all the secrets of the order out of him. You bet." What did you mean by that?

Answer. I meant that as I knew nothing about the matter, you would not be very apt to get much information from me about it.

Question. You say you have no knowledge whatever of the organization that is commonly spoken of through the country as the Ku-Klux?

Answer. No, sir.
Question. You are not yourself a member of that order?
Answer. No, sir.
Question. Do you know anybody who is a member of it?
Answer. I do not.
Question. Have you ever been a member of it?
Answer. I have never been.
Question. Have you ever seen the ritual or manual of the order?
Answer. I have never seen any such thing.
Question. Then [handing the witness a pamphlet] I will give you an opportunity to see it?
Answer. Thank you; I would like to examine it.
Question. Do you recognize any of the terms used in that pamphlet, such as "cyclops," "night-hawk," "den," &c.
Answer. I have heard the term "cyclops." I saw a statement from some newspaper a few days ago—I believe it was from some Washington paper—that General Toomb's son-in-law was the grand cyclops of this State. I have heard the term used in that connection.
Question. Have you heard the term "den" used?
Answer. Yes, probably I have.
Question. Where did you hear that term used; in what connection?
Answer. I could not tell you, unless from general report.
Question. Have you ever seen any Ku-Klux?
Answer. I have never recognized them as such; I may have seen them.
Question. It has been testified to before us that a party of them came into the town of Rome one night, and happening to find you, they made you dance for their amusement. How was that?
Answer. Well, that is false.
Question. It is false?
Answer. Yes, sir. I never danced in my life at the instance of anybody.
Question. What about your being met by a party of men in the town of Rome, stopped in the road, and made to do something?
Answer. There is nothing whatever true about any such statement.
Question. It is a fabrication throughout, from beginning to end?
Answer. Well, I met a party of men one night; at least I waited for the party of men that came into Rome, the party of men mentioned in Bullock's proclamation, some fifteen or twenty of them, I presume. I had a curiosity to see who they were. I was on my way home from my office, and I stopped on the side of the road and waited for them to pass by. As they rode by I saluted one of them with the usual salutation, probably of "Good evening," and he returned it. I asked him if he would have a paper, and he asked "What paper?" I said, "The Courier," and he said he would be very much obliged for a copy of it. I handed him a copy, and they went on. Those men were in disguise.
Question. Do you know who they were?
Answer. I do not.
Question. You do not know any of them?
Answer. No, sir.
Question. They were not citizens of Rome?
Answer. The man I addressed was not.
Question. When was that, in the day or night?
Answer. In the night; it was nearly or quite 12 o'clock.
Question. How many of them were there?
Answer. About fifteen; between fifteen and twenty; I did not count them.
Question. You say they did not order you to dance?
Answer. They did not, and I did not dance. It was currently reported around that they did; but there was about as much truth in that report, I suppose, as in any of the accounts that we hear. I have contradicted it on several occasions, and I have stated in my paper that they did no such thing.
Question. Where do you suppose those men were from?
Answer. I suppose they were from the neighborhood.
Question. What were they doing there at that time of night?
Answer. I do not know.
Question. In what season of the year was it?
Answer. I think it was in the early part of spring, or the latter part of winter.
Question. Do you know where they went?
Answer. I do not.
Question. Do you suppose that they knew who you were, or did they take you for somebody else?
Answer. I do not know anything about it; I am satisfied that they did not know me.
Question. Was that before or after this affair of some drunken men that you speak of in your paper?

Answer. It was before.

Question. Was this presentment of the grand jury, denouncing these disguised parties, before or after this occurrence of shooting that you speak of?

Answer. It was before.

Question. Had you heard of parties of disguised men going about through your county committing acts of violence?

Answer. I had heard of acts of lawlessness being committed by disguised men; I do not know whether they were one or more parties.

Question. And the grand jury of your county made a presentment against them?

Answer. Yes, sir.

Question. And you denounced the action of the grand jury for so doing?

Answer. I did not denounce it; I commented upon it, and said they ought to have specified instances, and not have made a general presentment, for I thought that was unjust to the character of our county.

Question. Did you speak of it in as severe terms of reprobation as the Southerner and Commercial in the article to which I have called your attention?

Answer. No, sir, I did not; I simply regretted that they felt it incumbent upon them to make such a presentment.

Question. If you knew the facts so as to have stated them in your paper, how did it happen that those same facts could not have been brought before the grand jury?

Answer. In regard to the Livingston men?

Question. Yes.

Answer. I do not exactly understand your question.

Question. You say that those parties were down there at a shooting affair; that they got drunk and afterwards mistreated that negro; you spoke of it very specifically. Now, why could not the same knowledge which you had have been communicated to the grand jury?

Answer. I presume it was, and the grand jury failed to find a bill on it.

Question. Is not that an offense against your law, for a party of men to take from negroes, or anybody else, guns or other property; to take property by violence and destroy it?

Answer. Yes, sir, I suppose it is; I suppose the reason a bill was not found was this: it was adduced before the grand jury upon evidence that Mr. Penny, the principal witness in the case, was bribed, that he was to receive $240 for his evidence, and the grand jury did not consider his evidence competent.

Question. Was he a witness before the grand jury?

Answer. He was not a witness, but he was the prosecutor. He was to have appeared as witness, but I do not think he did so. They had no other evidence but his.

Question. Did you get your information from Mr. Penny?

Answer. Mr. Foster was my informant, a few days ago.

Question. Was Mr. Foster the man from whom you got your information about the shooting match?

Answer. Mr. Lowry, the father of one of the boys, was the one who made the statement to me.

Question. Father of one of the boys concerned in the affair?

Answer. Yes, sir.

Question. Who bribed Mr. Penny; who was to give him $240?

Answer. I was told that Major Hargrove was working up the case.

Question. He was to bribe Mr. Penny by paying him $240 to swear to a falsehood?

Answer. Penny was to receive $240 as his share of the reward.

Question. Did you understand that he was to give false testimony in the matter?

Answer. No, sir; I did not so understand it. But I can say that the grand jury upon that ground failed to find a bill upon his testimony. I was told so by a member of the grand jury himself.

Question. You did not talk with Mr. Penny himself about the affair, but you got your information from somebody else?

Answer. Yes, sir; from Mr. Lowry.

Question. Could not the grand jury have got the same information from him that you did?

Answer. Probably, if he had appeared before them.

Question. Do you think that is a good reason why persons who commit offenses should not be punished, because if they are punished somebody might gain something by it?

Answer. No, sir.

Question. Do you approve or not of the action of the grand jury in failing to find a bill in that case?

Answer. I approve it; they had not sufficient evidence to find a bill.

Question. Why could they not have got sufficient evidence to establish the facts, as well as you for the statement you made in your paper?

Answer. I do not know whether they or the solicitor took the trouble to get it.

Question. Is the solicitor a republican or a democrat?

Answer. He is a republican.

Question. And inasmuch as the grand jury of your county failed to find a bill of indictment, and the parties prosecuting came to the Federal court here, whose grand jury did find a bill, you thought proper to rebuke not only the grand jury here, but to rebuke Mr. Foster also for appealing to this grand jury?

Answer. Yes, sir.

Question. Why? Do you hold that those who commit offenses of that character should not be punished?

Answer. No, sir; I do not.

Question. Then why rebuke those who make efforts to have them punished?

Answer. Because I thought he was actuated by improper motives.

Question. Who was?

Answer. I thought that Mr. Foster was. I understand now that he was not, and I have made the proper correction. I have satisfied Mr. Foster on that point.

Question. Understanding now that he was not actuated by improper motives, you have changed your opinion, of course, and believe that the parties ought to be punished, and that Mr. Foster did right?

Answer. Yes, sir; upon his statement I do.

Question. You are satisfied that Mr. Foster did right?

Answer. Yes, sir.

Question. And you now approve his course?

Answer. Not altogether, I do not.

Question. What has he done that you do not approve?

Answer. In the first place I think he was actuated by improper motives; that he was influenced more by a desire to obtain the reward than to have the criminals punished.

Question. You have said that you did think so, but that he has satisfied you that he was not so actuated; is not that so?

Answer. Yes, sir, that is right.

Question. With your present lights, wherein do you now think he did wrong?

Answer. Mr. Foster assured me that it was a matter not of his own volition; that he was summoned here, and came here in obedience to a regular summons; that he was not actuated by any hope of reward, but by pure and honest motives, and I now approve his course.

Question. Suppose the officers who made this prosecution had been desirous of getting a reward, the solicitor for prosecuting and the other officers for their work, is that any reason why guilty men should not be punished?

Answer. No, sir, I do not know that it is.

Question. Now what reason had you for using the influence of your paper, as you manifestly have done, to screen those offenders from the just punishment awarded to them by the law?

Answer. I do not wish to screen them from any punishment. I advised Mr. Lowry, the father of one of the young men, to bring his boy in and deliver him up to justice.

Question. You did not so advise in your paper?

Answer. I do not know what I said about that in my paper, in my first article.

Question. Suppose there is, in your State or in any other State, a body of men organized with oaths, signs, signals, passwords, uniforms, and disguises, for the purpose of violating the law by putting to death men they dislike, or by whipping them, or by destroying their property; suppose they are so organized that the ordinary processes of the law cannot reach them; suppose that when they are arrested one portion will so swear as to exonerate the others, and in that way the ordinary courts of the country cannot bring them to punishment; do you think that the Government of the United States ought to interpose for the purpose of protecting citizens and bringing criminals to punishment?

Answer. Well, certainly I do, upon such a statement as that.

Question. Now is it not just possible that gentlemen who are as intelligent as yourself, who are as well-informed, as honest, and as truthful, may have evidence to satisfy them that exactly that state of things does exist, not only in one place but in many places in this country?

Answer. It may be possible; I do not question the possibility of it.

Question. Then ought you not to be a little prudent in charging men, who are acting upon the high responsibilities of their position, with being perjured traitors?

Answer. Yes, I admit that I should be.

Question. So far as you have information, has the course of the democratic press through this State been to deny on the one hand the existence of this Ku-Klux organization, and on the other to denounce and reproach those who were trying to expose and punish it? In other words, has your paper pursued pretty much the course pursued by the other democratic papers in the State?

Answer. I have not watched the other papers very closely.

Question. Do you think the tone of the democratic press in this State has tended to produce quiet and order and peace, or has it had the opposite tendency?

Answer. I think it has had a tendency to produce quiet and peace and order.

Question. You have said something about Governor Bullock using the Southerner and Commercial newspaper for publishing advertisements. What is the law on that subject, or is there any?

Answer. I do not think there is any law now, hardly; or at least he does not recognize it much.

Question. In the Southerner and Commercial of October 13, 1871, I find the following:

"To BUSINESS MEN.—We respectfully call attention to the value of the Daily Commercial as an advertising medium. Its circulation is greater than that of any journal now published in the section of the country from which the business men and merchants of Rome derive their patronage. A business man wants something more than to see his advertisement in a printed newspaper; he wants circulation. Those who wish to make their business known should avail themselves of our columns. Our prices for advertising will compare favorably with those of any newspaper in the country.

"The Commercial is the only paper published in the city of Rome that furnishes its readers, each morning, with the latest and most reliable miscellaneous telegraphic and market reports, comprising a summary of the leading and most important events of the day."

In that article it claims to have the largest circulation of any journal in that section of the country.

Answer. The largest circulation of any daily, for it is the only daily.

Question. The language used is this: "Its circulation is greater than that of any journal now published in the section of the country from which the business men and merchants of Rome derive their patronage."

Answer. Well, he may claim it.

Question. That is his claim, is it not?

Answer. It seems to be.

Question. Here is another paragraph from the same paper:

"THE NEW DEPARTURE.—The 'new departure' is a cowardly abandonment of democratic principles—a knavish somersault from the true faith to mongrelism. Its only claim upon the support of honest men is that it is a piece of diplomatic hypocrisy. It lacks the wisdom of conservatism; the audacious strength of Bourbonism, and the turbulent glory of 'progressive' fanaticism. It is tame, incapable, deceitful. Its triumph is a radical victory. Its defeat is a fitting consequence of its lying stupidity."

Is that the general sentiment of the democratic party in Georgia?

Answer. Well, the general sentiment is opposed to what is called "the new departure."

By MR. LANSING:

Question. Do you approve the harsh, illiberal, and licentious language of the democratic press of this State, as indicated by the articles that have been read by the chairman from your own paper and others?

Answer. Well, I approve with the qualification I made a little while ago, in regard to my own articles. But, for one, I disapprove of the articles in the Commercial.

Question. I referred to the character of the articles, as a matter of style and taste, more than anything else; to their extreme expressions and their harsh impeachment of the motives of their opponents.

Answer. Well, as a matter of taste, I do not approve them, for it is not in good taste to indulge in epithets.

Question. Is that the general tone of the democratic press?

Answer. No, sir; I do not think it is. I very frequently use strong expressions that I am heartily ashamed of directly afterwards, and would like to recall.

Mr. BAYARD. I would inquire whether the newspaper articles which have been read to the witness by the chairman are to be regarded and taken as a portion of the testimony in this case?

The CHAIRMAN. Undoubtedly; those articles that I have read are incorporated in my questions.

By Mr. BAYARD:

Question. What is the circulation of your newspaper, the Rome Courier?

Answer. Our weekly circulation is about 900, and our tri-weekly about 450; we have no daily.

Question. It is what is called a rural country paper?

Answer. Yes, sir; it is a rural paper.

Question. It is published in Floyd County, in this State?

Answer. Yes, sir.

Question. How many of your papers are circulated out of the State?
Answer. I suppose 200 or 250.
Question. Is not your paper, then, what would be called a local country newspaper?
Answer. Yes, sir.
Question. Published in a district of the State remote from the capital, and in the interest of the locality there?
Answer. It is published in the interest of that locality.
Question. And with the circulation you speak of?
Answer. Yes, sir.
Question. Extracts from sundry papers have been read to you, the names of all of which I cannot recall; I believe one is the Southerner and Commercial, published in Rome, Georgia. That is not your paper?
Answer. No, sir.
Question. Had you anything to do with the preparation or the publication of any of those articles, and were you in any way, directly or indirectly, remotely or proximately, responsible for those utterances?
Answer. No, sir; in no degree.
Question. In point of fact, are you or not on rather unfriendly terms personally with the editor of the Commercial?
Answer. There are not those cordial relations existing between us that I would like to have with my fellow-men.
Question. Had you any knowledge of these articles, such of them as were not published in your own paper, which have been read to you by the chairman; or have you now any knowledge of them except what you have obtained from his rapidly reading them in your presence before this committee?
Answer. None that I can now recall; I may have observed them when they first appeared, but I do not know that I did.
Question. Then when you are suddenly called upon to criticise articles of that length do you feel that you have any capacity to do so?
Answer. I would prefer time to consider.
Question. And you have not had that time?
Answer. It might have been extended to me if I had asked it I suppose.
Question. The fact was that you were called upon suddenly to criticise those articles, upon their being rapidly read to you?
Answer. Yes, sir.
Question. Do you mean in any degree to adopt the language of these newspaper articles, those not from your own paper?
Answer. No, sir, I do not.
Question. Do you mean to declare before this committee that those articles represent the sentiments of the people, or any material portion of the people of this State.
Answer. No, I do not consider that they do; some do, perhaps, and some do not; but an extreme, violent editorial does not represent the sentiments of the people.

By the CHAIRMAN:

Question. Do you now refer to the articles from your own paper, or those from the Southerner and Commercial?
Answer. From the Commercial.

By Mr. BAYARD:

Question. I asked you distinctly about the articles read to you not from your own paper, whether, in your opinion this rapid reading of long editorials to a witness upon the stand, and asking him in the same breath to criticise them, is a proper mode of obtaining a fair criticism upon the contents of those editorials?
Answer. I certainly would not feel at liberty to criticise them in that way.
Question. You have been asked many questions in regard to comments in your own paper upon the organization of this committee, the resolution of Congress under which it was created, its objects, &c.; articles from your paper have been here produced commenting very severely upon the creation of this committee, and its objects; I will ask you whether you have not found, in papers published in the northern States, articles of a much more denunciatory character than any that have been read here?
Answer. I found in the Boston Post—I cannot now recollect the date—some very bitter comments upon this committee; and probably other papers have commented in the same way. I know that the most of my articles are inspired from reading northern papers, and excepting the Post, the most of them are republican papers, like the New York Herald, Tribune, and Sun.

By Mr. SCOFIELD:

Question. Do you call the New York Sun a republican paper?
Answer. It is claimed to be; yes, it is republican. The New York Herald is neutral.
Question. The Sun is so bad that the democrats will not own it?
Answer. It is a republican paper.

By Mr. BAYARD:

Question. Does not the New York Sun support Horace Greeley for the Presidency?

Answer. Yes, sir; I think the editor of the Sun once supported General Grant. It is my understanding that Mr. Dana, the editor of the Sun, was once Mr. Grant's right-hand man.

Question. And you find in those papers comments upon the purposes and objects of the creation of this investigating committee quite as strong as any you have made yourself, or as have been made in the southern States?

Answer. Yes, sir.

Question. Articles have been read to you, which I cannot now recall, for they have been very many in number, in which you have commented strongly upon the measures of the present administration, and the individuals who compose it. I will ask you whether you know any denunciation against General Grant by any southern man, of any politics, as strong as that used by the Hon. Charles Sumner, United States Senator from Massachusetts?

Answer. I do not know that I do.

Question. Do you remember the phrase he applied to General Grant?

Answer. I recollect his speech in regard to San Domingo.

Question. Do you remember the particular phrase he applied to General Grant?

Answer. No, sir, I do not now remember it.

Question. Do you remember his terming General Grant the head of the Ku-Klux?

Answer. I do not know that I do.

Question. You do not remember that speech; you never read it?

Answer. I do not now recollect it.

Question. Do you remember the address signed by all the democratic members of Congress after the passage of the Ku-Klux bill?

Answer. Yes, sir.

Question. Do you find anywhere, in any public expression, any stronger denunciation of lawlessness in any part of the country than you find there?

Answer. I do not know that I recollect it.

Question. Did you publish that address?

Answer. Yes, sir; I kept it standing.

Question. Did you concur in that address in denouncing all kinds of lawlessness?

Answer. Yes, sir.

Question. Do you know of any other public expression of opinion by any party against lawlessness and outrages as strong as is contained in that paper signed by all the democratic members of Congress? I do not mean private opinions of private individuals, but any public expression of sentiment from men of any party?

Answer. I do not recollect that I have read any public expression of opinion in regard to them excepting that.

Question. I understand you to say that you have published that address in your paper, and that you approve of its denunciation of all these Ku-Klux outrages, and of lawlessness of every form, wherever committed?

Answer. Yes, sir.

Question. Have you from time to time, in your paper, condemned such acts as lawless outrages upon persons in your midst, black or white?

Answer. I have, in every instance that has been brought to my knowledge.

Question. Did you ever publish any articles in your paper approving such outrages?

Answer. No, sir.

Question. You have not had any one hunt through the files of your paper for the last three years to discover isolated expressions, one way or the other?

Answer. No, sir, not that I know of.

Question. I handed you a paper during the recess of the committee to-day?

Answer. Yes, sir.

Question. What paper is it?

Answer. The Indianapolis Journal.

Question. Is it a republican journal?

Answer. I judge so from the heading of it.

Question. What is the date of that paper?

Answer. October 25, 1871.

Question. Have you read this article? [Indicating the article.]

Answer. Yes, sir.

Question. I will ask you whether the incidents of the outrage there related are not equal to or surpassing in atrocity those of any case in the State of Georgia, of which you have any information?

Answer. Yes, sir.

Question. And upon an examination the perpetrators of that outrage were discharged upon proving an *alibi*?

Answer. Yes, sir.

Question. They were thirteen in number, and arrested in that State?

Answer. Yes, sir.

Question. Do you know of any case that in atrocity exceeds that one; any case in this State?

Answer. I do not.

[The article referred to is as follows:

"A HORRIBLE OUTRAGE.

'A MAN AND WOMAN TARRED AND FEATHERED AND BRUTALLY OUTRAGED.—WORSE THAN SAVAGE CRUELTIES.

[From the La Crosse (Wis.) Republican, 21st.]

"We briefly alluded a few days ago to the fact that recently, in Viroqua, a man and woman named Barrett, supposing to be living together in an unlawful manner, were waited upon in the night by a party of citizens, seized, and tarred and feathered.

"A gentleman in this city who returned from Viroqua yesterday furnishes us the following facts, which he learned there from an entirely responsible source. The narrative reveals a depth of devilishness on the part of the perpetrators of the deed which almost defies credulity, and makes common words of execration too tame to denounce their crime.

"The parties were not living in illegal manner, at least not without the form of marriage. Mr. Chester Barrett was married to the woman with whom he is now living in this city, December 13, 1870, by the police justice. Her maiden name was Janet Ward. It is claimed that he had a wife in Minnesota, and that legal proceedings for bigamy were begun against him. However this may be, the fact of his crime affords no excuse for Ku-Klux treatment of him, or for the horrible outrage perpetrated upon his wife.

"On the night mentioned, about twenty persons, with faces blackened and clothing disguised, visited the house of Mr. Barrett and seized him and his wife. Some held him, while others stripped her entirely naked, bound her hands and feet, tied a rope around her feet and dragged her into the yard as men would drag a stuck hog. Here she was hauled about for some time amid jeers and derision, and then a coat of tar and feathers applied to her body.

"The fiends then selected a rough rail, and with her feet still tied, amid her screams of pain, forced her limbs apart, thrust the rail between them, and bore her into a field where she was thrown down and left. Returning to the house, they subjected Mr. Barrett to nearly every possible indignity, and then tarred and feathered him, and carried him to the place where his wife was and dumped him beside her.

"The man and woman, after some time, got loose from their fastenings, cleaned themselves as well as they could, and returned to the house, the woman very badly injured.

"Thirteen persons were arrested, and were examined on Tuesday and Wednesday of this week.

"Their names are James Crandall, David Crandall, P. J. Lowrie, Lovell Starr, Comfort Starr, Charles Odell, James Wilson, Alfred Farr, Arthur Rood, Arthur Hagerman, Willie Peabody, who has been in jail for stealing, Charley Wood, and H. M. Proctor.

"When our informant left, all of these but three had been discharged, an *alibi* being proven, although in the case of some it is generally believed a lie by the witness.

"It would be sad to have any one wrongfully suspicioned of complicity in this revolting affair, but if the real perpetrators could be identified, the legal punishment visited upon them would be entirely incommensurate with their dastardly crime, and the loathing in which decent men and women would hold them."]

Question. You have been asked respecting a presentment of the grand jury of Floyd County in regard to the condition of your county, to which you took some exceptions, believing that injustice had been done to the great body of your people by that presentment?

Answer. Yes, sir.

Question. It was a presentment signed by Mr. W. Shropshire, as foreman?

Answer. Yes, sir.

Question. You say that subsequent to that a second grand jury took exceptions to those charges and repudiated them?

Answer. Yes, sir; two succeeding grand juries.

Question. Who was the foreman of the second grand jury?

Answer. The foreman of the second grand jury, I think, was Mr. D. M. Hood.

Question. And of the other grand jury?

Answer. I do not recollect. Mr. Hargrove was a member of the grand jury for the second week of the term.

Question. The second grand jury considered that the county was not open to the objection that the first grand jury said it was?

Answer. Yes, sir.

Question. You have been asked about some remarks made by Mr. Toombs, of this

State, and which were reported in some newspaper. Mr. Toombs in now in this city, is he not?

Answer. He was here last night; I have not seen him to-day.

Question. Taking that report of his remarks as published in the newspaper, and which you say was rather a sell upon the correspondent by Mr. Toombs, would it not be regarded by the sensible people of Georgia, of every party, as a proof of gross credulity for any one to profess to believe that such trash was meant to be taken in earnest, as is reported in that paper?

Answer. That is the way the people of Georgia generally considered it; they had a good langh over it.

Question. You were asked in regard to comments in your newspaper, showing your opposition to what is known as the Ku-Klux law, passed by Congress last spring; and you were asked whether you were in favor of the commission of any of the offenses therein mentioned, to which I believe you gave a very proper answer, that you were not. I will ask you whether your people did not apprehend a dishonest use of the powers conferred by that bill, and their use as a pretext for declaring martial law throughout the South?

Answer. That was the only objection we had to the bill, the use which would be made of it.

Question. The use of irresponsible power over the liberties of the people?

Answer. Yes, sir.

Question. I believe you made some comments in your paper upon the North Carolina trials?

Answer. Yes, sir.

Question. Were you or not informed that by Judge Bond's decision such a test oath was applied to the jurors, both grand and petit, as excluded, naturally, the white men of that State who had been living there during the war?

Answer. Yes, sir; and I based my strictures of his conduct upon that, the denial to men of the right of trial by their peers.

Question. You were aware of the character of the test oath applied by Judge Bond to both grand and petit jurors?

Answer. I was aware that a test oath was applied.

Question. And you knew that test oath would exclude from the jury-box almost every white man who had lived in that State during the war?

Answer. Yes, sir.

Question. Let me read to you the language of that oath, and ask you how many respectable negroes could conscientiously take it. This is the oath:

"You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms, or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, had joined, or was about to join, said insurrection and rebellion, or had resisted, or was about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person or persons to join any rebellion against, or to resist with force of arms, the laws of the United States."

The negro population of the Southern States, I believe, were faithful, kind, and true, as a general rule, to those among whom they lived?

Answer. Yes, sir, they were.

Question. Did they assist them in their military operations, so far as they were permitted to do so?

Answer. I will not say they voluntarily did so.

Question. Did they in fact give assistance?

Answer. They did in fact.

Question. Were they or not employed in casting up earthworks, and such like duties?

Answer. Yes, sir; and as teamsters, &c.

Question. Would not the oath I have read to you, in its substance and meaning, have excluded a vast body of respectable colored men who were in the South during the war?

Answer. I could not answer that question.

Question. What would be its effect upon the white population of the South?

Answer. Well, it would exclude almost every white man in the South.

Question. Would not the application of that oath necessarily compel the formation of juries almost entirely of negroes and northern men who have come south since the war?

Answer. Yes, sir.

Question. Therefore the oath put by Judge Bond excluded the people who were the neighbors, or who were the fellow-citizens, of those who were tried?

Answer. Yes, sir.

Question. And you believed that the effect of such an oath was to pack that jury with men who would not give the prisoners a fair trial?

Answer. That was my impression, and it was under that impression that I wrote that article.

Question. You were asked whether these Ku-Klux bands, so called, that is, bands of armed and disguised men, in your county, had visited and assailed Colonel Waltemire, and I understood you to say that Colonel Waltemire himself had informed you that he had suffered no wrong at their hands?

Answer. Yes, sir.

Question. Who is he?

Answer. A gentleman who has settled in our county since the war, and is farming there.

Question. In which army did he serve?

Answer. In the Union army.

Question. Is he now living there among you?

Answer. Yes, sir; in Rome.

Question. How is he esteemed by your people?

Answer. Very highly.

Question. What is the feeling of your people toward men who come from the northern country, and who have been engaged in the military service of the United States during the late war?

Answer. It is generally kind.

Question. If they come among you they are welcomed and treated as other men are?

Answer. They are.

Question. Do you believe there would be any prejudice against a man, in any line of business, whatever his political views might be?

Answer. I think not.

Question. Would your people be glad to receive such men?

Answer. Yes, sir; and invite them.

Question. Would they succeed among you?

Answer. As much so as any of our own people would.

Question. You were asked about a man named Jourdan, who was whipped.

Answer. I understood he was whipped.

Question. He was a colored man?

Answer. Yes, sir.

Question. Your information in regard to him was derived from an ex-soldier?

Answer. Yes, sir.

Question. What did that soldier say he would have done to that man?

Answer. He said he would have shot him.

Question. Had this white lady been grossly insulted by that negro?

Answer. He told me so. I did not ask his authority, but I based my statement in my paper upon what he said to me.

Question. Were the propositions of the negro of a grossly indecent character?

Answer. They were so understood, and the lady was greatly terrified.

Question. She reported them, and that led to the negro being whipped?

Answer. Yes, sir.

Question. You have been interrogated respecting an article in your paper about this Ku-Klux committee, about questions to you and the secrets of the order being wormed out of you. I understood you to say that you never were in any way a member of any such oath-bound organization, and that you have no knowledge of the existence of such an organization, or of any man who is a member of it?

Answer. That is what I said.

Question. This little book, which was shown you by the chairman, did you ever see it before?

Answer. I never did.

Question. Mr. Maynard in that way first introduced you to the secrets of the order?

Answer. Yes, sir.

Question. Is this little book printed in New York?

Answer. It seems so from the imprint upon it.

Question. The first knowledge you have of the publication of this book is from the chairman of this committee to-day?

Answer. Yes, sir.

The CHAIRMAN. This is a document that came out in evidence, last year, in a Tennessee contested election case; and this copy is a *fac simile*, reprinted from the original.

Mr. BAYARD. I am only asking the witness whether his first introduction to the secrets of this order, if any there be, was derived from the chairman who handed him this manual.

The WITNESS. This is the first opportunity I have ever had to inform myself about these secrets.

By Mr. BAYARD:

Question. Various witnesses have spoken here of the fact that you were met by a band of disguised men, and compelled to gyrate before them. What was your answer to that?

Answer. My answer to that is that I never performed any such gyrations.

Question. You heard that such a statement was currently reported?

Answer. Yes, sir.

Question. Is that story about as true as any of these alleged outrages?

Answer. I presume it is.

Question. Were you ever solicited to join any of these secret organizations since the war?

Answer. Yes, sir.

Question. When and by whom?

Answer. Directly after the war I was advised by a party to connect myself with a lodge of the Union League. I was told that if I did not do it I would have to leave the State, that I would not be allowed to remain.

Question. What year was that in?

Answer. In the year 1866.

Question. Were you given to understand what was the nature of that organization?

Answer. I was not made aware of its nature, only that it was of a political character, as I understood from other sources.

Question. Secret, oath-bound, and political?

Answer. Yes, sir.

Question. Was it in the interest of what is called the radical party?

Answer. It has transpired since that it was.

Question. Do you know of any outrages committed by organized parties since the war?

Answer. Yes, sir; I have a painful experience of one.

Question. What was that?

Answer. It was directly after the war; I had a relative murdered by a party of men who came to his house one evening and demanded refreshments. He invited them to alight; they came in and arrested him, destroyed all his property, knocked all the glass out of his windows, opened his safe and destroyed all his papers.

Question. Where was this?

Answer. In Shelby County, Alabama. They destroyed papers of the value of $20,000.

Question. Who were connected with that party?

Answer. The parties have not been identified.

Question. Were they disguised men?

Answer. They were not disguised.

Question. Were there many in number?

Answer. There were about twenty. They said they were Union Leaguers. They were traced to Walker County, Alabama.

Question. They destroyed property to the amount of $20,000?

Answer. They destroyed more than that; they destroyed papers to that amount; they started to carry him off, and my sister implored them to spare her husband, and promised to give them the gold she had hid. They promised to release him if she did that. She carried them to the garden where she had buried it and gave it to them; and then they carried him off and hung him.

By the CHAIRMAN:

Question. Who did that?

Answer. I could not say positively who did it. The parties were traced to Walker County, Alabama.

Question. When was it done?

Answer. It was in the summer of 1865, after the war.

Question. Are you aware of any interference with elections, by intimidation of voters or by other means, to defeat or obstruct the freedom of the polls?

Answer. No, sir; I am not.

Question. Has there been much illegal voting in your county?

Answer. There has been considerable, so I have heard. Of my own knowledge I know of very little. I cannot refer to instances, only to boys who once belonged to me. Two black boys about sixteen years old voted at the presidential election. In the afternoon they came up to my house, and I asked them in a jocular manner if they had voted. I did not suppose they had, for they were boys; but they said they had voted.

Question. What is the vote of Floyd County?

Answer. About 2,200, I suppose.

Question. What is the relative proportion of the different parties?

Answer. I think the republican strength in the county is between 500 and 700.

Question. The democrats have a large majority?

Answer. Yes, sir.

Question. How many negroes vote in that county?

Answer. I suppose some 400 or 500.

Question. White republicans are very scarce there?

Answer. There are very few of them.

Question. I understand you to say that you never were, at any time, a member of any oath-bound secret political organization?

Answer. I never was.

Question. You have no knowledge of the existence of any such organization?

Answer. Only from the advances made by the person I have mentioned, and that was a long while ago.

Question. You were asked in regard to the failure of the grand jury to find a bill at its last session against a number of men included in the bill, one of whom was named Penny?

Answer. It was upon Penny's affidavit that the indictment was predicated; they ignored the bill.

Question. It was discovered that Penny had been suborned; that is to say, he had received money for making that affidavit?

Answer. That is what a juryman stated to me. I do not know how true it is.

Question. And then he absented himself; was not there as a witness himself, and his affidavit was discredited because of the fact that it was caused to be made by the payment, or the promise of payment, of money?

Answer. Yes, sir.

Question. And you believe that the person instrumental in obtaining that affidavit was Z. B. Hargrove?

Answer. So I was informed by a juryman.

Question. What juryman?

Answer. D. M. Hewitt and John Harkins.

By Mr. BAYARD:

Question. Would the people of your county, or of any other county known to you, approve the finding of a true bill against any man upon testimony shown to have been procured by subornation in that way?

Answer. I do not think they would.

Question. You were asked in regard to your objections in regard to this species of inquisition into the affairs of your State by this committee. I will ask you whether the great majority of the questions asked you to-day have not related to your mere opinions and to hearsay information?

Answer. Yes, sir.

Question. Have you ever been examined as a witness in a court of justice?

Answer. Yes, sir.

Question. Do you believe that any considerable number of the questions asked you to-day before this committee would have been allowed at all in a court of justice?

Answer. I am not familiar enough with the rulings of courts to give you an answer.

Question. I asked you because you made use of the phrase "*ex-parte* examination," in your answer.

Answer. Yes, sir; and the reason I did so was that the object of the questions put to me to-day seemed to be to elicit the bad phases of our society and country, and nothing in regard to the good and the true.

Question. You were asked simply in regard to the evil among you, without regard to anything that was regular and right?

Answer. Yes, sir.

Question. You were not aware that witnesses were called upon by this committee and requested even, to make charges founded upon mere information and rumor, without any personal knowledge?

Answer. I was not personally cognizant of that; that was the general impression though.

Question. Did you read the testimony taken in regard to North Carolina?

Answer. Yes, sir.

Question. Did you not find that to be the case there?

Answer. Pretty much so.

Question. Have you, from time to time, attended the courts of justice in Fl——y County?

Answer. Occasionally I drop in.

Question. Is there generally a disposition on the part of your people to do justice to all men, without respect to race, color, previous condition, or political opinions?

Answer. Yes, sir; I say there is.

Question. Do you say that a colored man, or a man of ardent republican opinions,

ıld obtain justice in your courts and before your juries, both in cases of private ong and for personal injuries?
Answer. Yes, sir.
Question. What would be the effect upon your people of the passage by the Congress the United States of a measure of general amnesty?
Answer. Well, it would make us feel very grateful toward the Government.
Question. It would increase your kindly feelings toward the Government of the ited States?
Answer. Yes, sir; that is, it would endow us with greater confidence in the friend- p of the Government, in the friendliness of it.
Question. Are you aware of any sentiment anywhere existing in the State of Georgia stile to the Government of the United States?
Answer. Not to the Government as a government, no, sir; there is a hostility to the ministration.
Question. Are your people anxious to renew and perfect their allegiance to the Gov- ıment of the United States, and to sustain it?
Answer. I think so.
Question. And you believe the sentiment in aid of that would be greatly increased by passage of a bill of general amnesty and oblivion for past offenses?
Answer. I know it.

By Mr. SCOFIELD:

Question. If the United States Government were willing that the Confederate States called, should be organized into a separate government, as was the proposed object those who got up the late rebellion; if the whole of the United States gave their luntary consent to that, and the question was submitted to the democratic party in orgia, as to whether they would or not peaceably secede in that way and reorgan- the so-called Confederate States as an independent government, do you not think e democratic party would generally favor it, if it could be done with the consent of e North?
Answer. Well, sir, I would hardly be competent to answer that question for the rty; I can express my opinion.
Question. What is that?
Answer. I think the party would be very greatly divided on such a question. I ink some of them, as good democrats as we have in the State, would oppose it. ıey would be satisfied if we could have a restoration of the Union, have all the States ual; they would be satisfied to preserve the Union intact. I know I would, for one.

By the CHAIRMAN:

Question. Are not the States equal now?
Answer. Well, hardly, I think.
Question. In what respect is Georgia not equal with Massachusetts?
Answer. I do not know about Georgia. South Carolina, though, is under the ban, ban that Massachusetts would hardly be subjected to.
Question. Would not any other State be liable to the same law under the same cir- mstances?
Answer. Perhaps so.
Question. Are not the laws of Congress general laws?
Answer. They are general in their provisions, but sectional in their application.
Question. Does not the application depend altogether on the state of facts that may ist?
Answer. Not according to the latest advices I have from South Carolina?
Question. Your advices are that there has been no disturbance there; that every- ing is quiet; that nobody is molested there?
Answer. The latest advices I have are from the New York Herald of the 23d instant.
Question. Is that all the information you have?
Answer. No; that is not all. But I consider that very good authority, as coming ın the other side.
Question. You have said, in reply to a question asked you, that the object here seemed be to bring out all the bad things that are existing here. Now, the questions I ked you related almost entirely to certain extracts from the columns of your own per, the Rome Courier, and of your cotemporary, the Southerner and Commercial; e those what you think are the bad things down here?
Answer. Well, they present the bad part of our nature; the worst part of our jour- ılism.
Question. Would you be willing to furnish this committee with a file of your paper, that we might examine it on both sides, and do you more justice in the matter than ıu think these extracts do?
Answer. I would be willing to submit my files to the committee.
Question. The committee would be obliged to you, if you would do so.

Answer. I have but one file in my office. I would be willing to let the committee use it.

Question. Of course we would not wish to retain it, merely to examine it.

Answer. I would be happy to accommodate you.

Question. You have been referred to an article in an Indianapolis paper headed, "A horrible outrage. A man and woman tarred and feathered and brutally outraged. Worse than savage cruelties." Have you published any article in your paper so headed, in relation to the brutalities perpetrated by the so-called Ku-Klux in this State?

Answer. I have not, from the fact that I do not recollect any similar case occurring in this State.

Question. I find this paragraph in the article to which your attention has been called:

"The narrative reveals a depth of devilishness on the part of the perpetrators of the deed which almost defies credulity, and makes common words of execration too tame to denounce their crime."

Is that not very strong language?

Answer. It is very strong language.

Question. Without being coarse and vulgar, is it not about as strong language as can be used?

Answer. It is.

By Mr. BAYARD:

Question. Is it any too strong?

Answer. It is not too strong.

By the CHAIRMAN:

Question. The parties spoken of are described as "fiends," and the names of the parties arrested and charged with the outrage are given in full. Then, in conclusion, the article uses this language:

"The legal punishment visited upon them would be entirely incommensurate with their dastardly crime, and the loathing in which decent men and women would hold them."

Now, can you name a single democratic paper anywhere in the State of Georgia that has so denounced, or anything like it, any outrage that has been perpetrated in the State of Georgia?

Answer. Possibly, by overhauling the files of the different papers in the State, I could. I think the Chronicle and Sentinel denounced in almost as strong terms, in perhaps stronger terms, the outrage at Louisville, in Jefferson County.

Question. What was that outrage?

Answer. Breaking into jail and mutilating prisoners, cutting their ears off, and whipping them.

Question. Has that been done in this State?

Answer. Yes, sir.

Question. By whom?

Answer. I do not know.

Question. By disguised men.

Answer. I suppose so.

Question. How many were so treated?

Answer. Seven negroes.

Question. Can you think of any other instance?

Answer. The Atlanta Sun of the 16th of last February, in commenting upon Bullock's proclamation, denounced these outrages in as strong terms as that.

Question. Did it denounce any particular party or parties, or give the names of the alleged perpetrators of the outrages?

Answer. No, sir; it merely commented upon the proclamation.

Question. Did it denounce the proclamation in the same article?

Answer. It did not.

Question. It approved the proclamation, did it?

Answer. I do not recollect exactly, but I think it approved it.

Question. And did the article in the Chronicle and Sentinel contain a denunciation by name of the alleged perpetrators?

Answer. No, sir; because there were none named.

Question. Can you tell of a single instance in this State where parties have been punished who have gone at night and in disguise, and committed unlawful violence upon any person, black or white?

Answer. Yes, sir.

Question. Give us an instance.

Answer. There is the instance of the three men in Chattooga County, who committed an outrage upon a negro man, whipped him, and, I think, took some property from

him. They were arrested the next day, tried immediately, convicted and sentenced to the penitentiary, and are there now, I presume.

Question. Have you heard of any other instance of unlawful violence in Chattooga County besides that?

Answer. Yes, sir; I have heard of some others.

Question. Have any others been punished?

Answer. No, sir; I have not heard of any others having been punished.

Question. Did you ever hear of a negro man living with a Mr. Foster, who was put to death?

Answer. Yes, sir; and you will find by an examination of my files, when you see them, that I denounced that outrage.

Question. I will be very glad to have you furnish that article. Have you read any of the testimony taken before this committee at Washington?

Answer. Not much of it; I have read extracts as they appeared in the newspapers.

Question. Have you read the testimony of General Forrest?

Answer. I have not.

Question. I will read you a portion of his testimony relating to this pamphlet about which you have been asked some questions:

"*Question.* Look at this [handing witness a printed document] and say if it is a copy of the prescript that you received.

"*Answer.* [After looking at the document.] I cannot say to you whether it is or not.

"*Question.* Is it like it in general terms?

"*Answer.* It looks something like it.

"*Question.* To the best of your belief is that or not a copy of the prescript you received?

"*Answer.* It looks very much like it; I would not say from memory that it is a true copy of it.

"*Question.* This is proved to have come from Tennessee, and purports to a prescript of a secret order there; and to the best of your belief this is a copy of the one you received?

"*Answer.* I see there are some things in it, while I cannot say it is verbatim; it looks a great deal like it. I have not seen one of them since 1868.

"*Question.* If you want to examine it further you can do so.

"*Answer.* I do not think that is necessary; I would not be able to say positively that it is or is not.

"*Question.* It looks like it?

"*Answer.* Yes, sir.

"*Question.* Do you think this differs from the other in any respect?

"*Answer.* I think there are several things if I could recollect them; but I do not know that I can explain them now.

"*Question.* If you see any important difference you can state it.

"*Answer.* [After examining the docment again.] This is not what I saw.

"*Question.* It has a general resemblance to it?

"*Answer.* Something similar, but this is not what I saw.

"*Question.* You think you saw something additional to this?

"*Answer.* Something different; I do not know that it was additional, because I do not think I ever saw this before.

"*Question.* Did you ever see anything like it?

"*Answer.* It was gotten up something on this plan, but I do not think it was this; I could not say this was the same.

"*Question.* Something on this general plan?

"*Answer.* Yes, sir.

"*Question.* Were the same terms used?

"*Answer.* No, sir, I do not think they were.

"*Question.* None of them?

"*Answer.* There may have been some of them used; but I do not think the other used all these terms.

"*Question.* What were the terms used in the other differing from those used in this?

"*Answer.* As I said to you to-day, I could not tell; it was two or three years ago; I have been very busily engaged; it was a matter that gave me but very little thought at the time, and of course I did not charge my memory with it, for I was engaged in other matters.

"*Question.* Do you think you would know the prescript now if you saw it?

"*Answer.* I doubt it; I doubt whether I would know it if I should see it.

"Mr. STEVENSON. I ask that this document be attached to the testimony of this witness. It will be found in Miscellaneous Document No. 53, second session Forty-first Congress, House of Representatives; being one of the papers in the contested election case of Sheafe *vs.* Tillman, from the fourth congressional district of Tennessee."

Question. Did you ever read that part of the testimoney given by General Forrest?

Answer. I have not.

Question. Have you ever heard of General Forrest being here in this State about the time of the alleged organization of the Ku-Klux order in this State?

Answer. I am ashamed to confess my ignorance, but I never heard of its organization, and do not know what time you allude to.

Question. You have never heard of the existence of any such order?

Answer. No, sir.

Question. You say that two members of the grand jury of Floyd County told you that Mr. Hargrove had bribed the witness Penny to make the affidavit that was presented to the grand jury, and upon which an indictment was to be framed?

Answer. Not that he had bribed him; but they said that Mr. Penny's affidavit was in Mr. Hargrove's handwriting. Mr. Foster and Mr. Harkins are the gentlemen who told me that Penny was to receive $240.

Question. That he was to receive it?

Answer. Yes, sir.

Question. Upon what condition?

Answer. Upon condition that the parties were apprehended or put under bail.

Question. And because Mr. Penny was to receive $240, therefore the grand jury would not find a true bill and bring these parties to justice? Is that the idea?

Answer. No. The idea was that they would hardly believe the testimony of a man who would accept that as a condition for making the affidavit.

Question. And you say the account of the transaction which you published, you obtained from the father of one of the parties?

Answer. Yes, sir.

Question. I would be very glad, on your account, as well as on account of the people who read your papers, that you would furnish us with copies of your paper containing your denunciation of the Ku-Klux order, or of violations of law by parties of disguised men, if you see proper to do so?

Answer. I will do so. [The papers were not furnished.]

Question. You were asked about the forming of juries in North Carolina. Do you not know that there are a large number of soldiers from North Carolina who served in the Federal armies, who were Union men all during the war?

Answer. I served in the western army. I do not know about them.

Question. What western army?

Answer. The Army of Tennessee it was called.

Question. Under what commander?

Answer. Under different commanders: General Bragg part of the time; Joe Johnston, and General Hood.

Question. You did not know anything about the condition of things in North Carolina?

Answer. No, sir.

Question. Then why, in reply to a question put to you, did you say that putting that oath to them would prevent any white man in North Carolina from serving as a juryman, except some one who had come into the State since the war?

Answer. I was speaking in reference to our juries here?

Question. I think the question was put to you, expecting that you would apply it to North Carolina.

Answer. I was answering in reference to Georgia.

By Mr. BAYARD:

Question. It was intended to apply to North Carolina. The southern people, as a people, were all included in the same category?

Answer. As a people they were.

Question. Did not every man within the State, every man almost that you can imagine, unless he was bed-ridden, come within the scope of this language: "Directly or indirectly give any assistance in money, or any other thing, to any person or persons whom you know, or had good ground to believe, had joined, or was about to join, said insurrection and rebellion, or had resisted, or was about to resist, with force of arms, the execution of the laws of the United States?"

Answer. They did in every State and in this State. I predicated my remarks upon my understanding of the facts. I did not allege that such were the facts, but that such was my understanding of them. I supposed the same law would apply there that did here, and that the people were in the same condition there as here.

By the CHAIRMAN:

Question. Do you know whether there were soldiers serving in the Federal armies, who came from Alabama, and from Georgia, and from every other Southern State, excepting South Carolina, perhaps?

Answer. Not to any considerable extent.

Question. Had you any means of knowing; were you inside the lines of the Union Army?

Answer. No, sir.

By Mr. BAYARD:

Question. You were asked by the chairman whether you meant to approve the fact of refusing to find a bill by the grand jury, because a reward had been offered for the apprehension and conviction of the offender or offenders? Had you said anything at all like that?

Answer. In my article?

Question. In your answers here.

Answer. I do not think I did.

Question. Did you or not say in reply to my question that in this county you would not find a bill upon the testimony of a man who was discredited by being shown to have been bribed to give his evidence?

Answer. That was my answer, that they would not.

Question. You were asked if Georgia, as a State, was not equal to any other State? Do you believe Attorney General Akerman would have dared to have gone into the State of Massachusetts and interfered there in the elections for a State constitutional convention as he did in North Carolina, by saying the United States Government would recognize whichever State government it might see fit?

Answer. I hardly think he would, or that the State of Massachusetts would have tolerated it.

Question. Do you think the people of Massachusetts would have permitted themselves to be constantly threatened, as the people of Georgia are here now, with the subjection of their State to military control, in case anything was done that the administration did not like?

Answer. I do not think they would.

Question. Has not the threat been constantly made by papers here that you would be deprived of your rights and subjected to military control?

Answer. We are in constant dread of it.

Question. During the years 1870 and 1871, have not the private contracts of your citizens been subject to the supervision of the military?

Answer. Not that I know of.

Question. You do not know any case of that kind?

Answer. No, sir.

By the CHAIRMAN:

Question. You have been asked about interference in States by the United States Government? Did not the President of the United States, nearly thirty years ago, interfere in the State of Rhode Island in behalf of one government, and against another that the people wanted to establish there?

Answer. Yes, sir; that is my understanding of history.

Question. In the case of North Carolina was there not an attempt on the part of some men to overthrow the legally established government of the State by another?

Answer. I think not; no illegal attempt.

Question. You do not regard it in that light?

Answer. No, sir.

By Mr. BAYARD:

Question. Was there ever a case in any State but North Carolina when, pending a vote by the people for or against a constitutional convention, the Federal administration interfered, through its Attorney General, and threatened them in advance what their fate would be in case they voted for the convention?

Answer. Not that I know of.

By the CHAIRMAN:

Question. In the case of the interference of the General Government in the State of Rhode Island, was not the authority of the Government maintained against the votes of a very large portion of her people?

Answer. My recollection of that matter is not very clear. I think, though, that, in that case the President interfered at the instance of the constitutional governor of the State.

Question. One that he regarded as such, of course. Do you know anything about what was done in North Carolina at the recent election there?

Answer. I got it from Mr. Akerman's speech.

Question. Have you a copy of that speech, so that you can refer to any passage in it?

Answer. No, sir, I cannot; I can get it for you.

Question. I did not know but there was some point in it that you might have in mind.

Answer. No, sir.

ATLANTA, GEORGIA, *November* 1, 1871.

R. T. KENIMER sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your occupation?

Answer. I am twenty-eight years old; I was born in Habersham County, and I now live in White County. I am a mechanic—a wheelwright—though sometimes I work at the carpenter trade, and sometimes I farm it a little.

Question. Do you know anything about a class of people in your country that are called Ku-Klux?

Answer. Well, no, sir; I do not know anything about them, really. A couple of them came to my house, one night, and called me up, and proposed to get some money for me that a boy I had hired had stolen, as I had supposed; I did not know that. I asked them how they would get it. They said they could scare it out of him. I told them it was merely a suspicion of mine; that I did not know for certain that the boy had stolen the money; it was merely circumstantial evidence that I had against him. I said I had prosecuted him, and wanted the law to take its course. I then asked them, "Who are you?" They said, "If you will come with us next Saturday night we will tell you who we are." The next Saturday night they went out sure enough, and whipped some negroes that you-uns had in here about two weeks ago. That is what rumor says; and that is about the only outrage that has been committed in the county since I have been there. I moved there in November last, having been out of the county then for some three years.

Question. Who were those two men?

Answer. I did not know them.

Question. Were they disguised?

Answer. Yes, sir.

Question. Did they come to your house at night?

Answer. Yes, sir; just after I had laid down; about 9 o'clock, I suppose.

Question. Were they riding or walking?

Answer. They were riding.

Question. Did they come into the house?

Answer. No, sir; they stood at the gate, and I was in the house.

Question. How were they disguised?

Answer. I cannot tell; I was not close to them, and I was a little excited anyway. There seemed to be something dark on them. I could not describe it better than to say it was like a blanket, or something of that kind, over them.

Question. When was that?

Answer. About the last of April or the first of May, I think.

Question. And a week after that time ——

Answer. The next Saturday night was the time they whipped those negroes.

Question. What negroes?

Answer. I think their names were Brown. They were down here with me when I was down here before.

Question. Was that where they whipped a man and a woman, and then made the other women lie down and expose themselves?

Answer. I have never heard the particulars about it.

Question. What is Brown's full name?

Answer. Joe Brown.

Question. Have you heard of other cases of their going through the country there?

Answer. Well, no, sir, not since I have been there. I have heard of a case that occurred before I went there. It is said that they went around there and notified some witnesses that were to appear here against Mr. Oakes, who was prosecuted for dealing in whisky, or maybe it was the Henderson boys, Mr. Oakes's sons-in-law, who had been accused of distilling. They were arrested and Oakes came down here. The Henderson boys got away, and he gave bonds for his appearance. I understood that the Ku-Klux went around and notified the witnesses not to appear.

Question. Do you know a man by the name of Green B. Holcombe?

Answer. Yes, sir; I know him well.

Question. Do you know of any injury that he received?

Answer. Yes, sir.

Question. What was the injury?

Answer. He was shot through the calf of his leg, and had a horse killed under him that was worth $250. I rode with him the evening before he was shot, from Cleveland down to my house, about four miles.

Question. Mr. Holcombe was a witness before us, and on his examination he used this language:

"A man by the name of Kenimer, who went into the Klan one night, said that Brock understood that I had said that I knew who shot me, and that he had called on the

was told that it would not do to attack me, as I was well fitted up with ons, and had neighbors there, and it might cost the lives of a dozen men. * He (Kenimer) said that it was a matter of confidence with him, (I believe his language;) that he was in it, but did not want to be called on, but that there was no other chance he would tell. He said he was afraid to testify o let on to me, and did not want to have to. He told his step-brother that t to the band, or called upon them after they met disguised, for assistance take me out and kill me; that I knew who had shot me, and would kill him I got well."

I understand that Mr. Holcombe tried to pick me at this place by saying to you not tell Mr. Burke that you had a conversation with the captain of the ? I told him that I did not. He said, "It seems to me like Burk told me had a conversation with the captain, and you asked them the intention of g, and that the captain told you the intention of the meeting was to kill me , and you told him that he need not undertake it; that Burke (he was one of s friends) would suffer the last man he had to be killed before Holcombe should ed." "Now," said I, "Mr. Holcombe, Mr. Burke did not tell you any such at; Burke is a man that don't lie, and he did not tell you any such thing." It has been a great while ago, but that is what I thought." He quit me at re have been a great many rumors up there.

Where was that conversation?

Right here in this building—in the entry here.

Is that the only conversation you ever had with him?

It is the only one I ever had with Mr. Holcombe upon that subject.

Did you ever talk with him before about his being shot?

Yes, sir.

How near do you live to him?

About three miles from his place.

Do you know this man Brock?

I have seen him twice.

When did you see him?

At the last spring court.

At what place?

At Cleveland; and then I saw him again at Smith's Mills one evening, right y house.

What is his character?

Well, it is a bad character. He is supposed to be a bad man. I suspect he who shot Green Holcombe; that is my opinion; there is no doubt of it; I essed myself freely that way; but as to knowing anything about it, I do it.

Have you ever expressed yourself in that way when talking with Mr. Hol-

I believe I have; I am not certain that I have to Mr. Holcombe, but I have his friends; I know I have to Mr. Burke.

What have you heard about Brock's trying to get a band to go with him h up" Holcombe, either by putting him to death, or driving him out of the

I have never heard anything about that.

How long before Holcombe was shot was it that these two men came to ?

That was after Mr. Holcombe was shot.

You say you do not know who they were?

No, sir.

Was not one of them Brock?

I have thought since it was, but I do not know. I have said so, but I just ought so from this, that I knew nearly every man in the county, and I would voice of every man there, and I did not know that man's voice. That was for thinking that it was Brock.

What is the feeling of the people there in regard to these disguised bands out; are they afraid of them?

I think there are some people who are afraid of them. There have been le notified in the country there to leave the country; some of them are afraid are not. They notified my step-father, an old gentleman, to leave. They Ir. Burke and Mr. Taylor's boys, as good citizens as there are in the county, But they thought that it was a Mr. Satterfield who notified them, signing "Ku-Klux." My step-father went to him and told him that he believed he denied it, of course, but he left the country directly afterward; that is, he me thirty miles from there to teach school.

Was he a school-teacher?

Yes, sir.

Question. Did he stand high with the people there?

Answer. I cannot say he stands high.

Question. Is he a man who made a great deal of pretension, or, as the current phrase goes, "put on a great deal of style?"

Answer. No, sir; I do not think he does; he is a very sorry man anyway; there is very little dependence to be put in him anyway.

Question. Have you a step-brother?

Answer. I have not.

Question. Has Holcombe a step-brother?

Answer. I do not think he has; I am acquainted with nearly all of his connections, and I do not think he has a step-brother.

Question. When they told you that if you would go with them the next Saturday night they would show you who they were, what did you understand by that?

Answer. It was not to get my money, but it was a recruiting plan.

Question. They wanted you to join them?

Answer. That was my opinion about it.

Question. And you did not agree to that?

Answer. No, sir. I went to Burke, who is as good a friend as I have in the world, and I told him that they told me that they would be out the next Saturday night, or that if I would go with them the next Saturday night they would show me who they were. I told him to keep it still, but it did him right smart of good, and he went and told Jack Teasly and his boys, who are associates of his, and they then began to spread it about, and rumored it about; and they have told a great many rumors. They thought I had told Mr. Burke that I knew some of the Ku-Klux. They went to him and tried to pick him, and told him that I had said that I knew three of the Ku-Klux, and that I was going to make capital of it; that I had told them a great deal; that I was as good a friend as they had in the world, which I am, for we have always got along well. Their idea was to tell him that I had told them something, and then if Burke knew anything that I had told, he would turn in and tell them. I have said there were no other outrages; there was another, but there was but very little talk about it. They made a raid on Mr. Teasly one night and shot into his gate-post, and went to Oakes's and fired at his shop, and went to Hicks's and fired over the roof of his house, I believe; some of the balls went into it, maybe; that is merely rumor, though.

Question. Was that on the same night?

Answer. No, sir; I do not know exactly the time, though I think it has been since the whipping of the negroes. Teasly said it was the Ku-Klux that did it; he told my step-father so. My step-father understood the thing; he was a good friend of theirs and stuck to that side, and he said, "Teasly, I don't want to hear any such thing; I despise all such play-off as that." Since that, a couple of my cousins who were along with them that night said that it was the Teaslys themselves who shot at the gate; that is only rumor.

Question. Those cases were pretended Ku-Klux cases?

Answer. Yes, sir; that is what they said.

By Mr. BAYARD:

Question. For the purpose of getting up a rumor of Ku-Klux?

Answer. Yes, sir. I believe that Oakes—I do not know anything about it. Oakes is a friend of mine; I believe it must have been a plan of Oakes to prevent the witnesses from coming down here. I think some of his friends did it to keep the witnesses from appearing against Oakes in the United States court.

By the CHAIRMAN:

Question. He was charged before the United States courts?

Answer. Yes, sir. That raised a little prejudice between Holcombe and Oakes, and they have been at outs ever since. Mr. Alley and Mr. Oakes are of one party, and Mr. Holcombe and Mr. McCullum are of the other party. They have been shooting a little at one another, and I believe Oakes was shot.

Question. Was he shot by disguised men?

Answer. No, sir, he was shot from a blind in the wood. I have never heard of any men up there being shot by disguised men.

Question. You have heard of disguised men doing nothing more serious than whipping?

Answer. Whipping those negroes; that is all, and going around and notifying witnesses not to appear here. They did that, so I was told, before I went up to that county. I do not think they have been out since they whipped those negroes in our county; if they have I have not heard of it.

Question. Has anybody been punished for anything done by these disguised bands?

Answer. No, sir, not to my knowledge.

Question. Nobody has been indicted or brought to trial?

Answer. No, sir, not in that county.

By Mr. BAYARD:

Question. You say that these cases of whipping black people, Joe Brown, Mary Brown, Mary Neal, Caroline Benson, Rachel Arnold, ——

Answer. I have never heard any names except those of Joe Brown and Mary Brown.

Question. Those are the same lot of people?

Answer. Yes, sir.

Question. They were here before the United States court?

Answer. Yes, sir; and I came with them.

Question. You were not examined?

Answer. No, sir.

Question. Did you go before the district attorney, Judge Pope?

Answer. Yes, sir; he interrogated me.

Question. And found that you had no personal knowledge of these transactions?

Answer. He would not carry me before the grand jury.

Question. You never, in your life, saw any of these disguised bands?

Answer. There were those two men in disguise who came to my house.

Question. Was that the only occasion when you saw men in disguise?

Answer. Yes, sir.

Question. And the case of Brown, &c., is the only case you know of whipping by disguised men?

Answer. Yes, sir; in Arkansas, where I lived, we never heard of such things.

Question. When did you go to White County?

Answer. The latter part of March.

Question. You say that you know all the people in your county?

Answer. I do not know everybody in the county, but I know everybody in the section of the county where I live.

Question. You spoke of knowing the voices of all the men there?

Answer. Yes, sir.

Question. Do the decent people of your county approve of such things as the whipping of those people, &c.?

Answer. No, sir; I think they are greatly opposed to it.

Question. Is that the universal sentiment of respectable men in your county, without regard to their political opinions?

Answer. Yes, sir; I have heard a great deal of talk about it in the county.

Question. You have heard your people disapprove it?

Answer. Yes, sir; it was a horrible thing, I suppose.

Question. It is disapproved by men, without regard to political party; that is, democrats joined with republicans in denouncing this outrage upon these black people?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say the people disapproved it; what steps did they take to punish it?

Answer. They have never taken any steps that I know of; I have merely heard them speak against it.

Question. But they have never done anything about it?

Answer. No, sir.

By Mr. BAYARD:

Question. Except to go before the grand jury?

Answer. Yes, sir. I did hear of another case in Habersham County. They whipped an old gentleman up there. I don't recollect his name, but it was over in Nacoochee Valley. I think it was for stealing a hog; and he jerked off the face of one man and knew him, and went before the grand jury and swore to him, and got a bill against him. It was at the last spring court that he swore to the man.

Question. Has the man been tried yet?

Answer. No, sir. I forget that man's name; he is a new-comer there since I left the country.

By the CHAIRMAN:

Question. Do you mean the man who was whipped?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Had there been a feud, an old quarrel between Holcombe and the Alleys and Mr. Oakes?

Answer. Yes, sir. I was raised in South Carolina. My understanding is, that before I came to that country Alley and Holcombe lived close to each other. They used to be very thick together. They were tolerably bad men after women, and they fell out about a woman. After that Mr. Alley's barn was burned, and it was supposed, and, I believe, proved, that Holcombe had it done—did not do it himself, but had it done.

Last spring Alley received $505 and costs from Mr. Holcombe to stop some trial that was going on about the burning of his barn. They have been having little lawsuits about things being stolen, &c. Alley has had his mules' ears cut off in the mountains, and it has all been laid to Holcombe, and they have had several little lawsuits about that.

By the CHAIRMAN:

Question. What had Oakes to do with that?

Answer. He had nothing to do with that difficulty at all. He had been a good friend to Holcombe all the time, until this case came up in court here; that raised a difficulty between Holcombe and Oakes. I was not in the country then.

Question. Is Mr. Oakes understood to be at the head of the Ku-Klux organization there?

Answer. That has been the supposition. Mr. George Oakes, Mr. Isaac Oakes's brother, and also Mr. Joel Butts, and several other men. They pitch upon a fellow, and say that they know all about it; that they know who is the captain, and they will have it that way for a while, and then they will change it. Burke is as nice a man as there is in the county.

Question. You have said that the democrats are opposed to this Ku-Kluxing; are the men accused of being leaders of the Ku-Klux themselves democrats?

Answer. Yes, sir. Mr. Oakes is a democrat, and so is Mr. Alley, I think.

By Mr. BAYARD:

Question. Mr. Holcombe, also?

Answer. Yes, sir.

By the CHAIRMAN:

Question. May it not be possible that they change their leaders from time to time; that one man is captain for a while, and then they have another?

Answer. I do not know; that has been the rumor. I supposed it was just guessed at.

Question. Who is Brock?

Answer. He is a stranger. He came in there about a month before court, I suppose, and taught a writing-school, and maybe worked a little in the shop. He then went down to Mr. Alley's and laid around there drunk.

By Mr. BAYARD:

Question. Why should Mr. Holcombe charge that Mr. Duke Palmer, of Cleveland, is understood to be the head of the order?

Answer. I do not know why. I reckon he has no reason, unless it is because Mr. Palmer abuses him a little in his little law scrapes.

Question. He has some feeling against Palmer?

Answer. Yes, sir; there is a great deal of prejudice against Palmer.

Question. Were you aware that he had charged Mr. Duke Palmer with being the head of the order?

Answer. I never heard of that before.

Question. Is Duke Palmer a respectable man?

Answer. Yes, sir. I know nothing against him. He is a lawyer there—a right blowy fellow, and sometimes makes himself a little unpopular by it.

Question. You never heard of such a charge against him as that?

Answer. No, sir; I never heard of his being accused of that before.

By the CHAIRMAN:

Question. You never heard him accused or suspected of belonging to the Ku-Klux?

Answer. Yes, sir. He has been employed against Holcombe all the time, and he abuses him a great deal, and, I think, abused Holcombe's wife about burning the barn. She was supposed to be the one that applied the torch to Mr. Alley's barn.

Question. Does he abuse those black people that were whipped?

Answer. I never heard of that.

Question. You never heard of their going to him to get counsel, and being repelled?

Answer. No, sir; I never have heard of it.

By Mr. SCOFIELD:

Question. Was Holcombe fired at more than once?

Answer. Yes, sir; that is my understanding, and I suppose it is so. After he was shot, or just about the time he was shot, there were several papers dropped about in the country. Mr. Burke thinks it was done by Mr. Satterfield and some of that party. Mr. Burke and Mr. Henderson and Mr. Satterfield had some little difficulty in the church there.

By the CHAIRMAN:

Question. Where did Satterfield come from?

Answer. He was raised right there. Mr. Burke told me that he believed it was Satterfield who did it. He said he knew it; that he was satisfied of it.

Question. Brock was a writing-master?

Answer. Yes, sir.

Question. You are satisfied that he belongs to the Ku-Klux order?

Answer. I suppose so.

Question. Is it not likely that he fixed up these papers?

Answer. He might have done it, but it is not thought that he did. Mr. Burke does not believe that Mr. Satterfield wrote those papers himself, but he thinks he had it done. I saw the papers, and I do not think they are in Mr. Satterfield's handwriting. Mr. Burke says he does not believe it was the Ku-Klux at all.

Question. Were they in the name of the Ku-Klux?

Answer. Yes, sir; I have seen two of them, and they were in the name of the Ku-Klux; cursed those parties that they notified to leave.

Question. What did they charge against the persons they notified to leave?

Answer. I do not think any charge was made against them. There is a great deal of strife in the country there. Mr. Alley has received two or three papers to leave; he was the starter.

Question. Mr. Alley was the starter of the Ku-Klux?

Answer. No, sir; Mr. Oakes was accused of it.

Question. Did Mr. Alley's papers profess to be from the Ku-Klux?

Answer. No, sir; I forget how they were signed. I heard, but I have forgotten. One of them was mailed away over on the Georgia railroad.

Question Do you know whether there has been a disposition among any of the people to combine against the Ku-Klux and fight them?

Answer. I do not know—yes, there has been, too; that is, I have heard of it.

Question. Fight them with their own weapons?

Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 1, 1871.

JOHN W. SHROPSHIRE sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I am fifty-three years old; I was born in Oglethorpe County, and I now live in Floyd County; I am a farmer, and for the last two years I have been selling goods.

Question. How long have you been living in Floyd County?

Answer. It will be two years next December.

Question. How far do you live from Rome?

Answer. I live right in Rome now; my family is in Rome.

Question. Have you, in Floyd County, any people that are called Ku-Klux?

Answer. Well, sir, there have been some depredations committed in the county there.

Question. In one part or in different parts of the county?

Answer. There was a black man shot in Rome; that was said to be done by the Ku-Klux; I do not know by whom it was done, but it was done one night after dark. Then two or three have been shot out of the town, two or three miles from town, down the river, in a westerly direction from Rome.

Question. Have there been any persons whipped?

Answer. Yes, sir; some.

Question. How many cases of whipping do you suppose have occurred?

Answer. I think three are all that I know of. I saw two of them myself, when they came into town after they had been whipped.

Question. Did they bear marks of having been severely whipped?

Answer. One of them did; I did not examine them particularly. One was cut about the head and around about the face.

Question. What were their names?

Answer. I do not know that I could tell you but one name; one was named Jourdan Ware; I do not remember the name of the other one.

Question. Was the other whipped at the same time?

Answer. I suppose it was the same night, or about the same time.

Question. You say that there was a third one you knew about, but that you did not see him?

Answer. That was only a report I heard.

Question. Who was the third one?

Answer. I do not know. There are so many negroes about that I never try to remember their names.

Question. Is there a man in your county by the name of Colonel Waltemire?

Answer. Yes, sir.

Question. Did you hear of any of these disguised people visiting his plantation and doing some mischief there?

Answer. Yes, sir.

Question. What did they do?

Answer. I saw one of the negroes from there; he was a little negro, by the name of Campbell Crockett; he is a little yellow fellow. He told me he was engaged in hiring some hands for the man who took Colonel Waltemire's place. His time was just about out at that time. They got up the hands, and about Christmas last there came in some fellows there, and they whipped and knocked down and beat about the hands. There were two girls there that they maltreated.

Question. How were they maltreated?

Answer. They jerked them down and raped them; had connection with them.

Question. Did they have forcible connection with them?

Answer. Yes, sir; he told me that was what they did, and that is the common report. I do not say it is so, for I know nothing about it.

Question. How was it in regard to Colonel Waltemire himself; did they take any of his arms?

Answer. I heard that they took his gun, or some gun from there; that was commonly believed through the country.

Question. That was a matter of common belief, was it?

Answer. Yes, sir; I believe nobody denied it.

Question. Have you any acquaintance in the neighboring county of Chattooga:

Answer. Yes, sir; that is where my family is, in Dirt Town Valley, or just at the edge of what is called South Carolina Valley.

Question. Have there been any of these proceedings in Chattooga County?

Answer. O, yes, sir, a great many of them.

Question. How many do you suppose?

Answer. I cannot tell how many; I do not know of but three or four that I can call to memory. There was one, a tremendous fracas about Summerville, and there have been a great many since. There was one at Mr. Foster's place, just beyond my place, and about Mr. Henley's place there were two or three negroes whipped; and there was a crowd at old man Adam's place, and also about my brother's place, Wesley Shropshire; they have been there I do not know how many times. They whipped some negroes, and there was a school-house burned.

Question. What sort of a school-house?

Answer. A log house, I suppose.

Question. What kind of school was taught in it, a white or black school?

Answer. It was a colored school. The circumstances about the school-house are these: my brother had a great many hands on his farm there, and they wanted to send their children to school; they wanted to go off to town, for the negroes appeared to be afraid to live in the country. He proposed to give them a house on his plantation for a school-house. They tore it down first, and finally they burned it down.

Question. Did you have negroes on your place?

Answer. Yes, sir.

Question. Were they molested?

Answer. Yes, sir.

Question. In what way?

Answer. Those that could be caught were whipped; what could not be caught got away without it.

Question. How many were whipped?

Answer. But two, I think. A son-in-law of mine got a little with the balance; they gave him a few cracks, and made him pray and dance about a little.

Question. Your son-in-law was a white man, of course?

Answer. Yes, sir; a man of the name of Joseph B. Neal was living on the place.

Question. How long since you have been on your place in Chattooga?

Answer. I heard of the little fracas among the negroes, and I went up and saw about it. It was about August twelve months ago that I was there, and this past week I was there again.

Question. Why have you not been there more frequently?

Answer. I cannot say I was afraid, yet I did not want to be bothered in any way. I do not know whether the people owed me any harm or ill-will any more than any other man in the world; consequently I did not know what they might do. I am afraid of any people where there is mob law; I abhor it anywhere.

Question. It has been testified before us that persons from your county are apprehen-

sive of giving evidence about matters there, lest they should be visited with vengeance and their property burned. How is that?

Answer. Well, sir, I cannot say only this much about it: men are intimidated. This whole thing sometimes appears to be for the purpose of intimidating others, sometimes for the purpose of plunder, and sometimes for political purposes. It actually intimidates me; I am afraid of it.

Question. You are afraid of it?

Answer. There is a terror of intimidation upon me; mob law is a terror to me anywhere, just to think of it.

Question. Who do the parties who either defend these things, or deny them, or excuse them, claim to have done the mischief, your own people or somebody else?

Answer. It is said it is done by some Alabamians, or some that have come in there. I do not know anybody accused of the crime at all. I never saw anybody only the night I went to my place. I was not at my house at the time at all.

Question. What is the sentiment of the people there with regard to these transactions?

Answer. If you ask the people every one will oppose it; I mean that all of the good reliable citizens will oppose it.

Question. Do you think that is a real opposition, or is it merely an outside appearance of opposition?

Answer. Well, I can't judge of that matter. Sometimes it looks to me to be a sort of affectation; at other times I think they are honest about it, but I cannot tell.

Question. Do you know any circumstances that make you think it is affectation?

Answer. I have heard men talk about the depredations in their settlements, and they would say they knew nothing about them at all. I would say, "I know one thing, it is remarkably strange that men can be disguised and ride all over the country and nobody know who they are. My boys cannot ride my horses in that way and I not find it out." They said they knew nothing about it, and consequently I could say no more.

Question. Do you know whether the sons of prominent men who would oppose these acts when talking to you, took their fathers' horses to ride about in this way, and kept their masks and disguises about their houses?

Answer. I do not know what they would do, for I cannot tell.

Question. Is it the understanding or belief that such things are done?

Answer. I cannot say that; I do not know anything about whether it is done or not.

Question. Do you think the real, true, public sentiment and feeling is expressed by this outside talk, or do you believe a great deal of it is affectation?

Answer. I think in some instances it is affectation, while in other cases I think it is real.

Question. Has anybody in your county been punished for these acts?

Answer. In Chattooga County?

Question. I had reference to Floyd County.

Answer. No, sir; no one in Floyd.

Question. Has any one been punished in Chattooga County?

Answer. Three men were sent to the penitentiary from there, and there is another in jail now, as I learned when I was at my place.

Question. All about the same transaction?

Answer. I think it is about the same transaction. I would guess the other was a fraud, merely to rob the State of money in the way of rewards. There is not a woman in the county who could not go and whip that old man, and he could not whip anybody else.

Question. The man in the jail is an old man?

Answer. Yes, sir; a feeble old man of no account; I think it is all a trick.

Question. Who has got him in jail?

Answer. I think the sheriff of the county.

Question. Of course the sheriff is holding him; but who is prosecuting him?

Answer. I think it is the sheriff; that is the understanding.

Question. How old a man is he?

Answer. I should suppose he was fifty-five or sixty.

Question. Who were those men who were sent to the penitentiary?

Answer. I disremember their names. They were taken up, and I know they got $7,000 out of the State of Georgia for it.

By Mr. BAYARD:

Question. What was their offense?

Answer. They were said to be Ku-Klux.

By the CHAIRMAN:

Question. Who got the reward?

Answer. A Mr. Wyatt was at the head of it, a bailiff of the county; that is what I heard about it.

Question. How is it with the courts and grand juries; do they take hold of these cases?

Answer. Yes, sir; the courts do, I think, so far as my observation goes. I have been on the grand jury three times during the time of it, and the court never fails to give the proper laws and instructions.

Question. That is, the judge does so?

Answer. Yes, sir; that is what I mean by "the court."

Question. How does it happen that these numerous cases you speak of occur in your counties, and everybody professes to be opposed to them, and yet nobody has been punished in Floyd County, and in Chattooga County only three men are convicted in one case, and in another case an old man sixty years old is put in jail; how does that happen?

Answer. I believe it is an old maxim of law that you must always catch a man before you can hang him; they do not know who they are.

Question. Do you believe if men wanted to put a stop to such conduct they could not turn out and hunt down and arrest these offenders?

Answer. I think if everybody was like I am they would put it down right quick.

Question. Do you recollect a gang of men that was known as Murrill's gang, who were found in this country several years ago?

Answer. I have heard of them.

Question. Were they not followed and brought to justice pretty promptly?

Answer. Yes, sir.

Question. You have heard of the Harps, mere depredators, in the early history of this country?

Answer. Yes, sir.

Question. They were pursued and caught and put to death, were they not?

Answer. Yes, sir.

Question. In both of those cases the people were in earnest in putting a stop to it?

Answer. Yes, sir.

Question. Do you not believe that if the people now were equally in earnest they could put a stop to these outrages in a month?

Answer. If they were all of the same sentiment, as a matter of course, they would.

Question. What is the political majority of Floyd County, republican or democrat?

Answer. It is democratic.

Question. And how is it in Chattooga County?

Answer. That is democratic.

Question. Very largely so?

Answer. Yes, sir.

Question. There are very few white republicans in either of those counties?

Answer. Well, there are some, but they pay very little attention to elections; they do not go much to elections. I do not know that in the last election or two in Chattooga County the colored people have participated or voted but very little. In Floyd County they vote because these things have actually ruined our country by running the negroes off to town; we have not enough to work the farms.

Question. If the negroes were unmolested and could exercise their own choice freely, would they remain in town or go into the country.

Answer. Well, a negro is mighty fond of the town. I tell you he loves to stand up against a house and look up and down the street, the best of anything in the world. I have frequently said to them, "Don't you want to go out and work?" They would say, "O, yes; but I am afraid of the Ku-Klux." I tell the people there that it is too bad that the Ku-Klux do not come into town and run them out. Hundreds of negroes will stay in town and almost starve to death.

Question. Are your sheriffs and bailiffs elected by the people?

Answer. Yes, sir.

Question. How do your newspapers treat this subject of Ku-Klux lawlessness and violence?

Answer. Well, sir, our papers do not treat it in the right way; I think they treat it too lightly, if anything; they speak rather in commendation than in condemnation of it as much as they ought to. In their editorials they say they are against the outrages, but when anything turns up they rather polish it off.

Question. Would any one upon reading your newspapers believe that there had been any Ku-Klux outrages in your country; I mean if they got no other information than from your newspapers?

Answer. Well, I do not think the papers say a great deal about it.

Question. What do they say about attempts that have been made to bring these parties to justice?

Answer. That is what I mean; they treat these things so lightly, always a kind of throw-off, as a mere little frivolous thing, or something of that kind.

Question. Whenever an attempt is made by the grand juries to punish these people, what do your papers then say; do they condemn——

Answer. Well, they do not speak very favorably of the party who makes the attempt

Question. For example, if a reward is offered for the apprehension and conviction of any of these men, what do they say about that?

Answer. They generally condemn the reward principle.

Question. If the grand jury presents these things as existing in the county, what do they say about that?

Answer. I disremember. But they treat the whole affair lightly; that is my estimate of it.

Question. They do not come down on it as you think they ought to do?

Answer. O, no. These outrages have been treated, I think, in a lighter manner than I think they should be.

Question. Have you ever known these disguised bands to break into jail and release prisoners who were in confinement for trial?

Answer. I only know what I have heard; they came there where this man Eckridge was in jail in Summerville, and they demanded him from a posse of United States soldiers who had him, and they took Judge Kirby along with them, and were going to burn up what he had. And then in Summerville, just before court, this old man there broke out.

Question. This old man that is sixty years old?

Answer. Yes, sir.

Question. Was he punished, or was he set at liberty?

Answer. The old man was broke out, just turned loose to catch again, I reckon; I do not know how that is, but they caught him again.

By Mr. BAYARD:

Question. Was there any reward offered for him at that time?

Answer. It was too quick; I do not think there was any reward.

By the CHAIRMAN:

Question. You say a man was rescued from some soldiers?

Answer. Yes, sir; some soldiers went over there and were stationed there.

Question. What became of the man?

Answer. I saw him in Rome about a week ago.

Question. Nothing more has been done with him?

Answer. No, sir.

Question. What reason did they give for breaking open jails and letting accused parties go free?

Answer. I have never heard any reason. I never knew of a party broke out of jail directly. This man Eckridge was just rescued. I do not think they broke the jail, but they turned him out. When this old man was in jail they just broke him out.

Question. From evidence which we have before us, it would seem that Ku-Klux gangs sometimes break open jails and take out prisoners and chastise them. The reason given for that is that, if they were convicted, it was supposed the governor would pardon them. Now, what reason is given for taking men out of jail who are accused of outrages and letting them go free?

Answer. I never heard any reason at all assigned for that. We have at this time in the jail at Rome a negro who some time back knocked in the head a very old man. I think he will be dealt with according to law. Some have said that they would take him out of jail and kill him, but they have never made any attempt to do so.

Question. Have you ever known, or have you had credible information, of any Ku-Klux companies coming into the town of Rome?

Answer. Yes, sir.

Question. What did you ever learn with regard to what they did?

Answer. I just understood that our old bridge-keeper, Atway, said they rode across the bridge very rapidly, and rode up to the hotel and fetched a groan, and then rode off.

Question. Have you ever heard of them interfering with anybody in town?

Answer. No, sir; only what I spoke of at first, where they shot a negro; some one shot him, and it was said to have been the Ku-Klux.

Question. Do you believe it would be possible for an intelligent man to have lived in your county for a year past and not have heard of these outrages which you have testified about?

Answer. Not unless he was a deaf man.

Question. They have been talked about openly and publicly?

Answer. Yes, sir.

Question. Again and again?

Answer. Yes, sir; all the time.

By Mr. BAYARD:

Question. Did you yourself ever see any of these disguised people?

Answer. Only that night when I was at my store, and they passed on by. They came

along riding very rapidly, and some of them stopped and said, "Hide out, old man;" and I said, "You had better hide out yourself."

Question. That was the only time you ever saw them?

Answer. Yes, sir.

Question. When was that?

Answer. In August, 1870.

Question. You never saw them before?

Answer. No, sir, nor since.

Question. Have you any knowledge yourself of the organization?

Answer. None in the world.

Question. The facts you have stated here have been stated by you upon hearsay?

Answer. Yes, sir.

Question. You spoke of three men who were convicted in Chattooga County, and who are now in the penitentiary?

Answer. Yes, sir.

Question. Of what were they convicted?

Answer. It was said they were Ku-Klux.

Question. Did they Ku-Klux a black man?

Answer. I think they got a knife from an old negro, or something, and got a bottle of whisky at the next man's house, and were all drunk when they were caught.

Question. I understood you to say that if you got these men before your courts there was no difficulty in convicting them?

Answer. There was none in that case, and they got a pretty good reward, $7,000.

Question. Do you like these large rewards that are offered—$7,000 for those men?

Answer. I think it is the greatest fraud and humbug and got-up rascality in the world.

Question. These rewards?

Answer. Yes, sir.

Question. Are they very unsatisfactory to your people?

Answer. Yes; it is not satisfactory at all; and besides that it gives rascals a chance to get their hands into the treasury of the State.

Question. Do you think there has been a great deal of that sort of thing done?

Answer. That is the common opinion.

Question. The $7,000 reward you speak of was for those three men?

Answer. Yes, sir.

Question. Were they white men?

Answer. Yes, sir.

Question. They had been taking a knife or something from an old negro, and Ku-Kluxing him?

Answer. Yes, sir.

Question. And they were tried and convicted?

Answer. Yes, sir.

Question. And for that a reward of $7,000 was paid?

Answer. Yes, sir. The reward for the first man was $5,000, and for each of the others $1,000; that made $7,000 for the three.

Question. Was that reward paid?

Answer. I think it was.

Question. Who got it?

Answer. I cannot tell you; there was a right smart little combination.

Question. Did Mr. Hargrove get a good big part of it?

Answer. I can only say what rumor said; they liked to have had a little duel about it. He was said to have got some of it.

Question. How much?

Answer. About $1,300.

Question. Was he the prosecuting officer for that district?

Answer. No, sir.

Question. Who was the solicitor there?

Answer. Mr. Forsyth.

Question. Did he get any portion of that reward?

Answer. It was said he got about $2,000. Mind you, I am not testifying that this is so, for I do not know anything about it.

Question. Was this the report there?

Answer. It was rumored there; and it was published in the papers.

Question. Mr. C. D. Forsyth is the solicitor general of that district?

Answer. I think so.

Question. He is represented to have got $2,000 of the reward from the State treasury for convicting these men?

Answer. I will not be positive about the $2,000, but it was all divided among them; the least man got a $100 somehow, and there was a mighty fuss about it. It was said *Burnet got* some of it; I do not know, I am only giving the common rumor.

Question. I understand you to say that the tax-payers of the community think this matter of large rewards is very corrupting and very dishonest?

Answer. It was thought it would make men very energetic in getting up cases. They tried the old man now in jail in one case, and he had no counsel and they had him to plead guilty. Judge Wright was appointed to defend him, and he said he wanted to continue the case until next day. The court and solicitor among them urged the trial immediately; the court said they would give him until the next day until 2 o'clock. Judge Wright said that he knew nothing about it, and probably he would know nothing more about it the next day than he did then, and they might as well go on with the trial.

Question. Did they discharge the old man at that time?

Answer. Yes, sir; and they had him arrested again; something about an old knife.

Question. Was a reward offered in the second case?

Answer. Yes, sir.

Question. An old man was taken up and tried for some offense and a thousand dollars paid for him ———

Answer. I do not know that they paid anything for him; they did not convict anybody.

Question. Immediately after they had tried and acquitted him they arrested him again?

Answer. They generally get a safe case that will reach the reward; that is the way I understand it. That is my understanding about these rewards; there is a standing reward.

Question. You are a substantial man holding property in that county and paying taxes there?

Answer. Yes, sir.

Question. And there is an objection to this system of rewards owing to the profligacy with which they are distributed?

Answer. Not for the punishment of evil doers, but it leaves a trap open, so that they can catch up a man, and if it suits the reward they will sometimes go halves; and in that way they would make more by going to the penitentiary than they would by staying out of it. I am opposed to mob law, and I am always opposed to robbing the treasury.

By the CHAIRMAN:

Question. As I understand you to say, you think these large rewards that have been offered had a tendency to produce fictitious prosecutions of cases that really were not Ku-Klux outrages?

Answer. I have no idea that either of those cases were real actual Ku-Klux. If there is such an organization, I only give it as my judgment that those were not cases of that kind. I think that they get a case fixed up so that they may bring a suit and get a reward.

Question. Prosecute somebody that has committed some trivial offense, and then claim that he is a Ku-Klux and get a reward for it?

Answer. That is the way that was managed, I think.

Question. In this case of the prosecution of these men, you say the sheriff of Chattooga County was figuring?

Answer. He had something to do with the arrest and bringing them to trial; not the sheriff but the bailiff.

Question. The bailiff was elected by the people of Chattooga County?

Answer. Yes, sir; a Mr. Wyatt.

Question. Then, in point of fact, you would answer the previous question which I asked you, whether any of these real Ku-Klux offenses have been punished in either Chattooga or Floyd County, by saying that in your opinion no one of them has been punished?

Answer. No, sir; I do not think any of them has been.

Question. Then the offering of these large rewards has not had the effect of bringing the real Ku-Klux to punishment?

Answer. I think not.

Question. But it has been made the occasion for men to get up fictitious prosecutions, and pretend they were cases of Ku-Klux?

Answer. That is the general rumor now, that is the way the people receive it, and that is my opinion about it, too; that is what I think about it. I am with the majority of the people in that; they think it is a kind of swindle. I do not know whether with the reward or without the reward they could catch the Ku-Klux. I find that nobody knows anything about them. I for one do not any more than the man in the moon, and I wish I could hear less about them.

Question. In your opinion ought somebody to interpose and try and put a stop to their doings?

Answer. In my opinion it ought to be done, most assuredly.

Question. Could the governor have done anything more, so far as you are aware, than to offer money to get people to take hold of it?

Answer. I do not know that he could.

Question. Had he any other means?

Answer. I do not know that he had.

Question. Had there been any attempts made in your county to prosecute any of them before the grand jury?

Answer. I heard that there was.

Question. And the grand jury failed to get evidence which they thought would justify them in finding a bill?

Answer. That is what I heard.

Question. Can you conceive of any greater outrage upon the rights of a citizen than to go to his house in the hours of the night, when he is asleep, with his family around him, and take him out of bed and whip and scourge him, and subject him to other brutalities?

Answer. I do not know of anything in the world that is worse; it is really heart-rending to think of; a man who is immediately in the vicinity of it feels it a little more than they do here in Atlanta right now, for the nearer he gets to it the more he dreads it.

Question. We have heard something about threatening Ku-Klux letters, do they not in fact inspire horror and dread in the minds of people?

Answer. I cannot answer that question. I know there are good, honest men, and clever men, all through the country, but it appears that from intimidation, or fear, or whatever you may call it, they do not do anything to put it down.

Question. They are disposed like yourself to put it down?

Answer. Indeed, I would put it down if I saw my way to do it; I would have no more of it; I do not need any Ku-Klux in my business at all.

Question. When they go and commit these depredations, do they always get up some pretended charge against their victims?

Answer. Yes, that is so; we had just an instance like that in the upper part of the county, near on to the Walker line; we had an instance there just recently, of a man whom nobody would suppose to be a Ku-Klux, because he at first acted with the republican party; he and his wife had a falling out; he raised a little mob, and paid a fellow $100, that farmed on his land, to get him away from court and not appear before the grand jury as a witness for his wife. A few nights afterwards he got up a crowd of men and gave that fellow a hundred lashes and took that $100 away from him. He and his son are now before the court. He is not a Ku-Klux, but yet he goes about disguised. After it was over they gave him a few cracks, and I suppose they will not convict him. That is the way with some of them; they will do anything; they will steal on the Ku-Klux's credit, or will whip on their credit; it was so with this man. He will come to trial and prove by Moore that he was whipped the same night that Moore was. Now I do not know how to manage that, how to put those things together.

Question. When the Ku-Klux whip negroes and injure them and other people, do they generally bring up some charge against the negro, say that he had been doing something, has "sassed" a white man, insulted a woman, or done something else?

Answer. Very few negroes are whipped, unless they are some sort of big-headed negroes. This Jourdan Ware that I spoke of, was a big, mighty forward, pompous negro; I mean that he was a very consequential sort of fellow. I think they whipped him more for that than any thing else. I never heard anything alleged against him before that. As to these others, I do not know what they whipped them for; some for one thing, and some for another.

Question. Was Jourdan Ware active at elections in getting his people to vote?

Answer. Not so much as others; but he pushed about among white men too much.

Question. He was assuming in his manners; you think that is what he was whipped for?

Answer. Yes, sir.

Question. You think there was nothing else laid against him?

Answer. It was said that a sort of low character of a white woman harbored about his house; and they were trying to get hold of her at the same time, and I think they shot another fellow the same night.

Question. Who was he?

Answer. I forget his name; they shot him through the thigh.

Question. What was that for?

Answer. Something about that same woman. I think her name was Nancy McDonald; I have seen her many a time.

Question. A low-down white woman?

Answer. Yes, sir, one of the meanest you ever saw in the world, so mean that she ought to be hung.

Question. Were the negroes the only ones that were about her?

Answer. She was a sort of young white girl; and took up out among the negroes; they all took up together.

Question. What did they whip the negroes on your place for?

Answer. I raised a family of negroes myself; I have had them since the war, and they are working on my farm. This man Morgan who was there working with the negroes, wanted to control them a little more than my daughter wanted him to. He undertook to whip them, and she would not allow it. He run on one with a hammer, or a hatchet, or something or other, and her husband was there and jerked him down. The idea was that they whipped my son-in-law and negroes because they wanted to fight a white man. But there was no fight between the white man and the negroes at all.

Question. Those Ku-Klux whipped your son-in-law and the negroes, too?

Answer. Yes, sir; and they made Morgan dance a little, too.

Question. What did they go upon Colonel Waltemire, carry his gun off, and treat his girls in that way for?

Answer. I heard no cause for it at all. That was about fourteen miles below Rome, on the Coosa River. I have heard of several little rumpuses down there, but I know nothing about it.

By Mr. BAYARD:

Question. Have you any knowledge about the facts?

Answer. No more than you have; I have seen men who said they saw it and heard about it; I have had that much knowledge about it.

By the CHAIRMAN:

Question. You have been testifying to what you regard as reliable information?

Answer. Yes, sir, that is reliable; it is generally taken as truth; nobody gainsays it at all.

By Mr. BAYARD:

Question. Do you undertake to guarantee the truth of it?

Answer. Not at all, not a bit; but it is current report, and it is generally believed, and I believe it among the balance, as other men believe any fact stated to them.

By the CHAIRMAN:

Question. It was a neighborhood transaction?

Answer. Yes, sir.

Question. Do you know a man who lives in the neighborhood of Rome, a blacksmith, by the name of Drennon?

Answer. Very well.

Question. What sort of a man is he?

Answer. A pretty clever man.

Question. Is he a man of good character for one in his condition of life?

Answer. Yes, sir; I have heard nothing to the contrary at all.

ATLANTA, GEORGIA, *November* 2, 1871.

JOHN L. CONLEY sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your profession?

Answer. I am twenty-five years old. I was born in Augusta, Georgia, and now live in Fulton County; my profession is that of attorney-at-law.

Question. In the testimony taken before this committeee in Washington your name is mentioned by Mr. Angier, the treasurer of this State, as having received a considerable sum of money for having published the State constitution. I will read you that portion of his testimony to which I wish to direct your attention:

"*Question.* You say that Governor Bullock paid too much for publishing the State constitution?

Answer. I think so, judging from what all the book-men have told me.

"*Question.* Did the sum paid include the payment of somebody for preparing the book and the index?

"*Answer.* I suppose it did. There was a bill passed authorizing a young man named Conley, who is the State librarian, to prepare the book.

"*Question.* How many copies were published?

"*Answer.* Ten thousand, for which $11,500 was paid.

"*Question.* That included the payment of somebody for preparing the book for publication and making the index?

"*Answer.* Yes, sir; but I was told that it could have been published without any payment for preparing it; and I have never heard the fair cost estimated at over $2,000.

"*Question.* You think too much was paid for preparing and publishing that book?

"*Answer.* Yes, sir.

"*Question.* Do you think the governor pocketed anything in that transaction?

"*Answer.* Well, I should hate to say what I think about that.

"*Question.* You need not have any delicacy on my account.

"*Answer.* Perhaps I am hardly in a condition to do Governor Bullock justice.

"*Question.* You must make just so much or so little allowance for your prejudice as you deem necessary.

"*Answer.* I should hate to swear that I did not think he had any interest in it.

"*Question.* Who was the man who prepared this work for publication?

"*Answer.* A particular friend of the governor.

"*Question.* Who was he?

"*Answer.* His name is Conley.

"*Question.* Is he a lawyer?

"*Answer.* He claims to be; he is the State librarian. I never heard of his having cases in court.

"*Question.* Do you know how much of this sum was paid to him for his services, and how much was paid for the printing of the book?

"*Answer.* I only know what printers say the fair expense of the work would be.

"*Question.* Do you know how much the printers of this work were in fact paid?

"*Answer.* No, sir, I do not.

"*Question.* But you think the whole sum paid for the publication of the work is more than it ought to be?

"*Answer.* I judge so."

Question. Are you the person referred to here by Mr. Angier?

Answer. Yes, sir.

Question. If you desire to make any explanation of this statement you can now have the opportunity to do it.

Answer. The publication alluded to here is an analytical index of the constitution of Georgia, which I prepared and copy-righted, and which is now my property. I prepared the book, and the legislature passed a resolution, which was approved October 18, 1870, authorizing Governor Bullock to purchase such number of copies of that book as in his judgment was necessary for the civil officers of this State. In accordance with that resolution, he gave me an order for ten thousand copies of that book, which I sold him at $1 15 a copy. The price of the book was $1 25 a copy, and I have never sold a copy for less than that, except to the State.

Question. Had Governor Bullock any interest in the matter?

Answer. None whatever; every dollar of it went to my private bank-account, and I can account for every dollar of it. I can show my checks as I checked the account from the bank; and nobody ever received a dollar of the profits on that book but myself.

Question. Have you a copy of that book?

Answer. Not with me now, but I have at my office.

Question. Is the book in the book-stores for sale?

Answer. It has been. It is a private enterprise altogether, and wholly disconnected with anything connected with public affairs, except that it is the constitution of Georgia.

Question. And you edited it in the way you have described?

Answer. I did; and copy-righted it, and I hold that copy-right now.

Question. And the legislature passed a resolution authorizing the purchase of it?

Answer. Yes, sir; and the governor of the State purchased and the attorney general distributed to the several officers of this State seven thousand copies of it. That number does not include the school commissioners and school officers, of which there are probably three or four thousand, and who will take up the full complement of the book when it is distributed to the several officers.

By Mr. BAYARD:

Question. Are you related to the present governor of this State?

Answer. I am his son.

Question. He is the gentleman who succeeded to the office of governor on the resignation of Governor Bullock?

Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 2, 1871.

W. H. HARRISON (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age; where were you born; and where do you now live?

Answer. I am twenty-eight years old; I was born in Sparta, Georgia, and I now live within a mile of the same place, in Hancock County.

Question. Have you been connected with public affairs in any way in your county?

Answer. Yes, sir, I have been since 1867.

Question. In what way?

Answer. I was a member of the constitutional convention of 1867 and 1868; and I was elected to the legislature in 1868.

Question. Were you a candidate for re-election last fall?

Answer. I was. I will state just here that I am a member of the State central committee of the republican party, and have been since 1869.

Question. Who was your opponent last fall?

Answer. George F. Pierce, jr.

Question. Were you present on the day of election?

Answer. I was.

Question. Where?

Answer. In Sparta, Hancock County.

Question. Sparta is the county-seat of Hancock?

Answer. Yes, sir.

Question. State whether in your opinion a fair election was held there at that time, and if not, state why you think so?

Answer. In my estimation it was not a fair election. The election bill, generally known in this section of the country as the Akerman bill, provides, as I understand it, (I only give my recollection of it at present, and of what the impression was on my mind at the time,) that there should be an election, to be held on the 20th, 21st, and 22d days of December last; I think those were the days. There were to be five managers of election appointed under that bill, two by the ordinary of the county, and three by the governor—all five of them, I understand, were to be confirmed by the Senate. Our managers were appointed and confirmed, and received their notice of appointment. At the hour provided by law, they proceeded to hold the election. Mr. Linton Stephens, to whom I claimed myself formerly to belong, raised the point, after the election had proceeded for about an hour, that no one could vote unless he had paid all his taxes for the year 1869; that the constitution of the State provided that no one could vote unless he had paid his poll-tax. He said that, so help him God, he and his friends would see to it that no one voted unless he had complied with what he said was the law under the constitution. They proceeded to vote as I have said, and voted for about an hour. I have been informed by the managers that there were one hundred and forty-nine votes polled, of which they suppose some twenty were democratic. Mr. Stephens, who interfered with the managers of the election, saw at that time that the democratic party would be defeated; that we were certain to carry the election. He went to the managers and requested them to bring about a decision of the question whether the poll-tax of 1869 was required by the constitution to be paid. The managers consulted among themselves, and the majority of them decided that by the law they were acting under it was not necessary that the poll-tax of 1869 should be paid, and that a man could vote whether he had paid his poll-tax or not. They referred to the law which had passed the general assembly, and under which the election was being held. That law held that the constitution under which we acted required that a school system should be established by the general assembly at its first session. That school system not having been established by the legislature, the general assembly passed a law remitting the payment of the tax, from the fact that the section of the constitution referring to the school system had not been complied with, and therefore a school-tax was not required. The managers held that a man could vote if he was not barred in any other way; that if he was twenty-one years old, had resided in the county the requisite length of time, and had the other qualifications he could vote. After the managers made that decision Mr. Stephens swore out a warrant, I suppose made an affidavit, indeed I am pretty certain he did, charging that these managers were aiding and abetting illegal voting. A magistrate named J. C. Simmons issued a warrant, and that warrant was placed in the hands of the sheriff, and the sheriff served it upon three of the managers, Joseph B. Gonder, Adolphus Morris, and Ridley Moseley. Those were the three managers who had decided that the poll-tax was not required, and that a man could vote if he had the other necessary qualifications. Two of the magistrates, one appointed by the ordinary, and one appointed by the governor, decided that the poll-tax for 1869 must be paid before a person could vote. They arrested the three managers who decided that the payment of a poll-tax was not required, and they were carried immediately into the court-room before the magistrate who issued the warrant, and he committed

them to jail in default of bail. The ballot-box with the hundred and forty-nine votes which I spoke of is now in the court-house at Sparta. They then proceeded to hold the election under the provision of law which provides that if there are no legal managers at the hour of ten, or some specified hour, three freeholders shall hold the election. They installed the three freeholders, and they proceeded to hold the election.

Question. Who were they?

Answer. J. C. Simmons, the magistrate who had committed these men in default of bail, Henry Harris, (he may have a middle name,) and, I think, Henry H. Culver, though I am not certain about the third one. They proceeded to hold the election. There was a great deal of excitement about the time the majority of the managers were arrested. About fifteen minutes before they stopped voting, or before the managers were arrested, I appeared on the ground. I live one mile from the court-house, and had decided within my own mind not to bother about the polls at all, but just to let the people vote, and not bother much about it. It is true I believed that with a fair election I could be elected, but I never asked a man particularly to vote for me. My friends and acquaintances there have always put me forward unasked; I swear to that positively. It is true that if a man gets into a fight he tries to win if he can. I came to the polls, and when I got there I was informed that at least fifteen men had been arrested for offering to vote without having paid the poll-tax for 1869. The election bill provides that there shall be no challenging at the polls, but as they came up to vote each one would be challenged for not having paid his tax and, therefore, as not being entitled to vote. He would be arrested and put within five or ten feet of the managers. There were at least fifteen men arrested when I got into the court-house, at least as many as there would be on a common petit jury. I went up myself and voted. I have always paid my tax promptly, and have advised my people to do so. But as I helped to pass the law, as I was a member of the legislature at the time the law was passed omitting the tax, and as I had also been a member of the constitutional convention, I told my people on the stump that there would be no tax required in order to entitle them to vote. I still held that opinion at the polls and away from it, before and since. Soon after I got there these managers were arrested. Mr. Linton Stephens appeared against them for the State, as he claimed. One of the managers, who is a lawyer—Judge Gonder—appeared for himself and the other two managers, and claimed that they had decided according to law. They were put in jail and remained there, I suppose, from 10 o'clock in the morning until 4 or 5 o'clock in the evening. They were then bailed out by their political opponents, I mean by democrats, for all three of the managers were supposed to be republicans.

Question. They were put in jail in default of bail?

Answer. Yes, sir.

Question. Why did they not give bail?

Answer. They conceived that they had not violated the law; that they were obeying the laws of the State, and that they had no right to give any bail.

Question. And they regarded the whole proceeding as an outrage?

Answer. Yes, sir.

Question. How did the election then proceed?

Answer. The election then proceeded with those freeholders, as I am informed. I know nothing more of the election after that time, for I returned home to my residence, and there were from thirteen to fourteen hundred voters of the county who remained on my place for two days and nights.

Question. How many republican votes were reported to have been polled after those freeholders were appointed?

Answer. Two.

Question. You gave one of them?

Answer. No, sir; I voted before that. It was not more than fifteen minutes after I voted before the managers were arrested.

Question. After those other people took the poll-books there were just two republican votes, and no more, reported polled?

Answer. Yes, sir.

Question. Was Mr. Stephens there on the ground?

Answer. Yes, sir.

Question. Had he any difficulty with anybody?

Answer. Yes, sir; with a man by the name of Doctor Brown, a very prominent citizen, and one who had been, years ago, a member of the legislature. He is a man who does not act at all in politics, at present. He talks freely, and gives his opinions on any matter; but, as I understood him, he is in favor of freedmen exercising their rights under the Constitution. I was informed by Doctor Brown that he came up to the polls and said to Mr. Stephens, "Why in hell don't you let these people vote?" or something like that. "You know this thing is wrong that you have practiced upon them." Mr.

Stephens, I think, hauled off and struck him. He fell nearly to the ground, but friends interposed, and the fuss was allowed to go no further.

Question. I understand that your constitution requires a poll-tax to be paid and devoted to free schools?

Answer. Yes, sir.

Question. And inasmuch as a free-school system had not been established, your legislature remitted the poll-tax for 1869?

Answer. Yes, sir.

Question. And that tax was not assessed?

Answer. No, sir.

Question. And the law did not require it to be collected?

Answer. No, sir. There were many white and colored men who did pay their poll-tax, but there were many who did not pay it, as the legislature had remitted it. It was my impression, anyhow, at the time I voted for the remission of the tax, that it was not necessary, as a free-school system had not been established.

Question. On which side is the majority of voters in that county in a fair election?

Answer. Republican.

Question. By what majority?

Answer. I think that in 1868 I beat my opponent by seven hundred and ten votes. There were a great many white men who did not vote at that election.

Question. I ask your opinion of the result of the poll, if everybody in the county entitled to vote had voted.

Answer. I believe that, with a fair election, I would have beaten them seven hundred votes at this last election.

Question. Has anything been done with Mr. Stephens for this interference?

Answer. Yes, sir; he was arrested. There was an affidavit sworn to before Commissioner Swazey, at Macon, and he was arrested and carried there and had a committing trial, a preliminary trial. He was committed and bailed out, to appear at the district court, in Savannah, I think.

Question. Has anything been done there, or not?

Answer. Nothing at all; no notice has been taken of it.

Question. Are there in your county any people that are called Ku-Klux?

Answer. Yes, sir.

Question. Tell us what you know about them, or any reliable information you have in regard to them.

Answer. I have reliable information that two men that I knew personally, as well as I know anybody, were killed by them. There are witnesses in Hancock to establish that fact.

Question. Who were the men who were killed?

Answer. Jerry Long and William Culver.

Question. How long ago was that?

Answer. Jerry Long was killed last year about the 10th of June, and William Culver was killed somewhere about the same time.

Question. By whom did you understand they were killed?

Answer. By Ku-Klux.

Question. By bands of disguised men?

Answer. Yes, sir.

Question. In the day-time or in the night?

Answer. In the night.

Question. Has anybody been arrested for that?

Answer. A man by the name of Israel Johnson has been arrested for the murder of Jerry Long.

Question. Has he been tried?

Answer. No, sir; his case has been pending there ever since.

Question. Have there been any cases of whipping?

Answer. I suppose there have been more cases of whipping in the same length of time among the colored people than there were in the days of slavery for the same length of time. With so many as are in the county that I live in, there were never less than two or three thousand licks struck a week; I was a slave myself.

Question. You think the whipping has been equal to what it was then?

Answer. Yes, sir; just about equal, perhaps more.

Question. Has it been equal or greater in severity?

Answer. Far greater in severity.

Question. Have any of the disguised men who do these things been arrested and brought to trial, except the one you have mentioned?

Answer. None at all. I wish to say just here that the sheriff of our county has repeatedly told me that these parties who committed these outrages bid defiance to the law to such an extent that it is impossible for a man in his position to do his duty; that he knew it was wrong. He is as staunch a democrat as there is in the United States, I reckon.

Question. Have any injuries been inflicted on you?

Answer. None on me personally. I have reason to believe that I would have been attacked by disguised parties had it not been that I live in a settlement where there is about eight hundred acres of land owned by colored people. I own some property among them myself. One-third of my time I sleep out watching for just such bands.

Question. Has any written notice been sent to you?

Answer. I received some in 1868, 1869, and 1870, with coffins and skeletons and symbols on them, with twenty-four hours' notice to leave, and all that sort of a thing. They were sent to me through the post-office. I have repeatedly sent them to the press. In my wicked way, before I became a member of the church, I used to curse and swear about it a great deal, and say I did not care anyway.

Question. How many of these notices have been sent to you?

Answer. I believe a dozen.

Question. Were those men who were selected to hold the election after the managers were arrested and put in jail republicans or democrats?

Answer. They were all democrats.

Question. And the man who had issued the warrant for the arrest of those managers was one of them?

Answer. Yes, sir.

Question. He was ordering the arrest of men who went up to the polls to vote?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You say that you are twenty-eight years old now?

Answer. Yes, sir.

Question. And you were a slave prior to 1865?

Answer. Yes, sir.

Question. Whose slave were you?

Answer. I belonged to Judge James Thomas, father-in-law of Mr. Linton Stephens.

Question. And you continued to live with him until after the war?

Answer. Yes, sir.

Question. What was your first political occupation after the war?

Answer. It was as a member of the constitutional convention. I was preparing for that before; I had attended several little district conventions.

Question. You began at once to take a prominent part in political matters in your county before you went to the constitutional convention?

Answer. From the time the Sherman and Shellabarger bill was presented in Congress, I appreciated it and loved it, for I saw it was something guaranteeing to me my rights; and I took an active part among my people, and became prominent, from the fact that I believed it was recognizing me and my people as men, while before we had been treated as chattels.

Question. Had you been taught to read and write?

Answer. No, sir, I had not. I picked up a little education in some way; I learned by chance, you may say, for it was a violation of the law of my State for me to learn to read and write.

Question. Did you know how to read and write when the war closed?

Answer. Yes, sir, I knew how to some extent.

Question. Are you now able to read writing, and to write yourself?

Answer. Yes, sir.

Question. You became a member of the convention to frame a constitution for the State of Georgia?

Answer. Yes, sir.

Question. In what year was that?

Answer. We met here December 8, 1867.

Question. You were then twenty-four years old?

Answer. Yes, sir.

Question. After that you went to the legislature?

Answer. Yes, sir.

Question. To which house?

Answer. To the lower house.

Question. And you have been a member of the State central committee of the republican party in this State, and have taken an active part in politics?

Answer. Yes, sir.

Question. What was the entire vote of your county?

Answer. I do not remember exactly, but I think that for the constitutional convention there were thirteen hundred and some odd colored votes. At the first election the colored people all voted the republican ticket, but the whites generally abstained from voting in this section of the country, under the advice of Ben Hill and other democrats. For the ratification of the constitution and the election of governor and members of the legislature there were fourteen hundred and some odd republican votes polled.

Question. What was the other vote?

Answer. It was five hundred and some odd.

Question. What is the negro vote of your county?

Answer. Last year on the tax-books there were given in fifteen hundred and seventy-eight colored voters.

Question. How many white voters?

Answer. I think there were seven hundred and ninety-five.

Question. How many white republican voters have you in your county?

Answer. In 1868 there were two or three white men who voted for me and the balance of the republican ticket. There were a great many white men who voted for the ratification of the constitution, but who did not vote for the republican candidate for governor.

Question. How many white votes do you suppose you received for the legislature?

Answer. I do not know that I really received over four.

Question. All your votes were by the colored people, who voted for you *en masse*?

Answer. There were three or four colored people simple enough to vote the democratic ticket.

Question. Let me understand you upon this subject of the school-tax. You said there was a school-fund raised by tax; that the constitution of the State required a fund to be raised for the maintenance of schools?

Answer. Yes, sir.

Question. That constitution which you voted for yourself?

Answer. Yes, sir.

Question. You said there had been failure by the legislature to establish a school system?

Answer. Yes, sir.

Question. Was there not a school-fund raised by taxation and paid into the treasury?

Answer. Yes, sir, there is a school-fund ——

Question. I am speaking of the first legislature of which you were a member. Was there not a school-fund raised by taxation and paid into the treasury?

Answer. I was expelled from the legislature I was elected to, and the proceedings of that legislature, from September, 1868, ——

Question. Were you not reinstated?

Answer. I was reinstated in 1870.

Question. I will repeat my question. Was there a school-fund raised by taxation and paid into the treasury?

Answer. There is the school-fund, as I understand it, that comes in regularly under the statute law of the State. For instance, half the earnings of the Western and Atlantic Railroad, the tax upon shows, malt liquors, &c., goes to the school-fund.

Question. Was there a tax actually paid into the treasury of the State as a school-fund?

Answer. There was a portion of the voters who paid their poll-tax for 1868 and 1869, and that tax, of course, was paid into the treasury in accordance with the constitution.

Question. Then there was a fund in the treasury for school purposes under the laws of the State?

Answer. There was.

Question. Was not that fund appropriated by the legislature of which you were a member to pay the members of the legislature, and not for the sustenance of the schools?

Answer. That fund was appropriated for the pay of members, but it was done because it was said the treasurer was misapplying that very same fund, and the legislature of Georgia saw fit to take it out of his hands.

Question. Who was the treasurer?

Answer. W. L. Angier.

Question. The present treasurer of the State?

Answer. Yes, sir. It was said he let it out at 15 per cent. and paid but 3 per cent. to the State, and we thought we could get 6 per cent. for it.

Question. That is your statement on oath?

Answer. That is the impression under which I voted.

Question. You then appropriated it, by vote, to pay the members?

Answer. The State took possession of it instead of W. L. Angier, and, of course, it was appropriated for the State purposes, and bonds bearing 6 per cent., I think, were issued in its stead.

Question. Do I understand you to say that there was no poll-tax raised in 1869?

Answer. I did not say there was none.

Question. I did not say you did; I merely asked you if I understood you so.

Answer. You could not have understood me so.

Question. What was done?

Answer. I said that the constitution of the State of Georgia required that the poll-

tax should go exclusively for educational purposes; and inasmuch as that portion of the constitution had not been carried out by the legislature requiring the establishment of a general school system free to all the children of the State, the legislature saw fit to remit the poll-tax for two years back, and allow all who had not paid it to vote in the election of 1870.

Question. Was it by law that they allowed that to be done?

Answer. I consider it was.

Question. They did it by special act?

Answer. Yes, sir.

Question. Which act remitted the tax for 1869?

Answer. For 1868 and 1869.

Question. Then the legislature by special act remitted the poll-tax for 1868 and 1869?

Answer. Yes, sir.

Question. And none was assessed?

Answer. I want to be understood right there. The citizens of the State understanding, as I conceive, the constitution to require a poll-tax to be paid, the tax-collectors all over the State collected the poll-tax from both white and colored. But the legislature of 1870, conceiving that the revolutionary legislature of 1868 that had expelled the colored members had omitted the duty which they owed to the children of the State of all classes, came up to the relief of that class of people, and to what they believed was their duty under the constitution. They provided that, inasmuch as the constitution had not been complied with by the establishing of a school system, therefore a poll-tax should not have been required of the voters.

Question. What measure of relief did the legislature give?

Answer. Well, I will not say relief; they came up to an act of justice.

Question. What did they do?

Answer. They remitted the tax. For instance, our constitution disfranchised a man who did not pay his poll-tax before he voted. If he does not pay his poll-tax he cannot vote. The poll-tax was specifically applied to the school fund. This poll-tax money had been used by W. L. Angier, and the school system had not been established. The legislature, therefore, thought it proper to pass an act of justice to the people of Georgia.

Question. Then the constitution of Georgia requires, as a qualification for the exercise of the right of suffrage, the payment of one-dollar poll-tax by each man who proposes to cast a ballot?

Answer. Yes, sir.

Question. And the legislature of which you were a member, after you were reinstated by General Terry, passed an act releasing that qualification of suffrage?

Answer. I do not consider it releasing it.

Question. How did they, then, authorize a man to vote without the qualifications that the constitution required?

Answer. Where was our school system?

Question. You ask me a question; I am questioning you.

Answer. I answer your question by asking you where was our school system? The constitution required just as emphatically that there should be a school system established by the first legislature. Instead of doing that they turned out all the negro members.

Question. The negroes were put back again?

Answer. Yes, sir.

Question. And that legislature in which you were reinstated by General Terry passed an act which would enable a man to vote without the payment of a poll-tax?

Answer. Yes, sir; and I think rightfully, too.

Question. That is your opinion?

Answer. Yes, sir; that is my opinion. They did it; there is no opinion about that, for it is upon the statute-book, although it has expired by its own limitation.

Question. What has been your occupation beyond this matter of attending the constitutional convention and the legislature and attending to politics?

Answer. I attempted to teach school awhile before I became a member of the constitutional convention.

Question. And since that?

Answer. Since that I have split rails and picked cotton, pulled fodder, and worked on the Western and Atlantic Railroad.

Question. These have been your occupations?

Answer. Yes, sir; hard work.

Question. When not engaged in your political duties?

Answer. Yes, sir. I just come out of the cotton-field up here. I made three or four bales of cotton this year.

Question. I understand you to say that the three managers who decided to take all the votes without the prepayment of the poll-tax were republicans?

Answer. They were supposed to be republicans—two of them I know to be republicans.

Question. By whom were they selected?

Answer. Two of them were recommended to the governor by myself, and one of them, Judge Gonder, was recommended to the governor by the ordinary of the county, who was supposed to act in the interest of the democratic party. It was just a swap off; one of the men I sent up agreed with the opposite party, and one of the men the ordinary sent up agreed with our party, giving a decision in favor of the law as we conceived it.

Question. Do you know whether those three managers were members of the republican party?

Answer. The three men who were arrested? I do not know that Judge Gonder is a republican, but I believe him to be. He has been very much abused for one, but now he is acting with the democratic party.

Question. You say that Mr. Stephens made an affidavit and procured a warrant for the arrest of those three managers under the plea that they were violating the constitution of the State in accepting votes without the prepayment of the poll-tax?

Answer. Yes, sir.

Question. And those men were arrested?

Answer. Yes, sir.

Question. Did you say that upon the hearing they declined to give bail?

Answer. I did not say that. I say they were sent to jail in default of bail; I do not know that they could have given it.

Question. Were you present at the time?

Answer. Yes, sir.

Question. What was the amount of bail fixed?

Answer. I will not be certain, but I think that Judge Gonder's bail was fixed at four or five thousand dollars, and the bail of the two colored men was fixed at $2,000 each.

Question. Two of the managers were colored men?

Answer. Yes, sir.

Question. Gonder was a white man?

Answer. Yes, sir.

Question. Did they offer to give bail?

Answer. No, sir; they declined to give bail.

Question. They did decline to give bail?

Answer. That is my opinion.

Question. You were present?

Answer. I say that is my impression. I know they were sent to jail in default of bail, but there was such a bustle in the court-house that I cannot say right on the spur of the moment that they did decline to give bail. I only know from what the managers told me afterward.

Question. Did they tell you afterward they had declined to give bail?

Answer. Mr. Gonder never told me; but the other managers knew they could not give it unless they got it from democrats; no republican in that county could give it.

Question. No republican in that county had that much property?

Answer. No, sir; the democrats did come up and give it.

Question. Finally they were bailed out by democrats?

Answer. Yes, sir.

Question. Were those colored men freeholders who were committed?

Answer. Neither one of them; one of them is a freeholder now.

Question. They were not freeholders at that time?

Answer. The law did not require them to be freeholders.

Question. You mentioned that subsequently three freeholders were chosen by those present at the polls?

Answer. Yes, sir.

Question. You spoke of making speeches on the subject; did you make one at the polls?

Answer. No, sir; Mr. Stephens made one.

Question. Who made the affidavit against Mr. Stephens for his arrest?

Answer. The two colored managers.

Question. They made affidavit before the United States commissioner?

Answer. Yes, sir.

Question. Was Mr. Stephens held to bail?

Answer. Yes, sir.

Question. In what amount?

Answer. In the sum of $5,000, I think.

Question. Has he been indicted?

Answer. No, sir.

Question. He was held to answer at the United States district at Savannah?

Answer. Yes, sir.

Question. Judge Erskine is the judge of that court?

Answer. That is my understanding.

Question. You have been asked in respect to these disguised bands commonly called Ku-Klux. Have you ever seen them yourself?

Answer. I have never seen one disguised; but when I see a democrat I see a Ku-Klux in heart.

Question. All the democrats are Ku-Klux?

Answer. So I think.

Question. Do you say under oath that you consider a democrat a Ku-Klux?

Answer. When I see one in the South, that is what I want understood.

Question. Did you ever see any disguised?

Answer. I have not, but we have felt them.

Question. How far from you were those colored men killed?

Answer. About eight miles.

Question. Have you any personal knowledge of the circumstances attending their death?

Answer. I have no personal knowledge of it. One of the men who witnessed the scene is the father-in-law of my first wife; I have been married twice. And the other person who can testify to facts and can identify the Ku-Klux in disguise is hired to me this year farming.

Question. You are his employer?

Answer. Yes, sir.

Question. Who was the white man you say was arrested charged with the murder of one of those men?

Answer. Israel Johnson.

Question. Has he been indicted by the grand jury?

Answer. He has.

Question. And is held for trial?

Answer. Yes, sir; but he never will be tried.

Question. That is also your statement under oath?

Answer. That is my belief; yes, sir.

Question. When did you become a member of the church?

Answer. I have been a member of the church for the last three months.

By the CHAIRMAN:

Question. If I have understood you correctly, (and if I have not you will please correct me,) your school fund, under your constitution, is to be raised from one-half of the net income of the State road, from the poll-tax, from the tax on sales of liquors, and licences for shows?

Answer. Yes, sir.

Question. The legislature which expelled the colored members made no provision at its first session for the establishment of schools?

Answer. No, sir.

Question. And at its next session, when you had been reinstated, the legislature passed a law that inasmuch as a free-school system had not been established, for which this fund was provided, and the money had in your judgment been misapplied by the treasurer of the State, they would require the payment of no poll-tax for 1868 and 1869?

Answer. That is just the way it stands.

Question. You have been interrogated as to your private affairs, how you have been employed, &c. I understood you to say that you had been engaged in cotton-raising this last season?

Answer. Yes, sir.

Question. Was that upon your own land or upon rented land?

Answer. Upon my own land.

Question. How much land do you own?

Answer. I own thirteen acres.

Question. How much cotton do you raise on that?

Answer. I suppose I raised three bales. In my section of the country my place would be considered more in the town than in the country. My house is worth about two or three times as much as my land.

Question. You will raise three bales of cotton on your land?

Answer. I think I will raise four, and a great many potatoes and other things.

Question. To that extent at least you are identified with the industry and property and affairs of the country?

Answer. Yes, sir. I have sold two bales of cotton already, and I suppose one will be sold in a day or two to the merchants right there in my town.

Question. How much assistance have you had in the labor of raising cotton?

Answer. I have an old man, about sixty-five years old, whom I keep there to watch over my property in my absence. I am very often called off, and I keep him there: in other words, I keep him there to keep the Ku-Klux from killing him. He has been run off from a section of the country where the Ku-Klux stole $60 from him.

Question. How many white men in your county, with their own hands, have made as much cotton as you have?

Answer. I do not think there are a dozen.

Question. How is it regarded there for a white men to work and labor at any branch of industry?

Answer. It is considered a disgrace for a white man to labor on a farm. If he has a clerk's position, or is the son of some wealthy man, and can strut about the streets and be admitted to practice law or something of that sort, he is all right, and can be received into society.

Question. How have you obtained your knowledge of affairs, and your education, whatever it is?

Answer. Up to the time of emancipation I was a body-servant. The man I belonged to was the judge of the northern circuit court, embracing the circuit court that Attorney General Akerman lived in and practiced law in; I knew him personally and well. My boss had a chronic disease, and he had to have a servant around him all the time. While I was about the house I acquired a little education by stealing it, you may say. At heart he was opposed to the law of the State of Georgia that prevented men of my race from learning to read. He always told me that he believed it was a cursed law; that every man should be taught to read the Bible and to know his fate after death.

Question. Have you studied any since emancipation?

Answer. I have been so much in politics that I have not studied much except politics. I have been to night-schools, and I think I have made some improvement. I am now going through a course of study at home; but the Ku-Klux will not let me study; I cannot study at night because I have to watch pretty much all the time, looking out for disguised men. If I was here I might advance very rapidly. But I was born and raised in that country, and I would like to live there. But in the present condition of things I am afraid I will have to leave or else forfeit my life.

Question. You have not had your evenings to yourself?

Answer. No, sir.

By Mr. SCOFIELD:

Question. A question relative to this school fund: if I understand you aright you say that prior to, or else in spite of, the act of the legislature which determined not to assess any poll-tax for 1868 and 1869, persons did pay the poll-tax.

Answer. Yes, sir.

Question. The legislature provided that no poll-tax should be collected or assessed for those years?

Answer. Yes, sir.

Question. They remitted that tax?

Answer. Yes, sir.

Question. But in some localities the tax had been assessed, and some persons had paid it?

Answer. Yes, sir; but after the law was passed the comptroller general of the State issued an order to the tax collectors not to collect it.

Question. Some had paid it before?

Answer. Yes, sir; but none after.

Question. That poll-tax, with the proceeds from the State railroads and the tax on shows, &c., made a school fund in the hands of the State treasurer?

Answer. Yes, sir.

Question. I understand you to say that it was the general impression that the State treasurer was loaning that fund out at a high rate of interest, which he took himself?

Answer. Yes, sir.

Question. And to avoid that the State itself borrowed the fund?

Answer. Yes, sir.

Question. They did not appropriate the fund, but they borrowed it?

Answer. Yes, sir.

Question. What did they give the school-fund when they had borrowed it; what did they provide to be accumulated until the fund should be needed for schools?

Answer. They paid 6 per cent. interest on it in State bonds.

Question. Instead of allowing the treasurer to loan it for his own individual profit, the State itself borrowed it and gave their bonds for it?

Answer. Yes, sir.

Question. In other words, they invested it in State bonds?

Answer. Yes, sir.

Question. So that you did not take the school-fund to pay the members of the legislature?

Answer. We simply borrowed it.

Question. And after it was borrowed it went into the general treasury of the State,

out of which it was appropriated to pay the expenses of the legislature, or anything else for which it was needed?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Are you in the habit of speaking of Mr. Hill as Ben. Hill, and of Mr. Toombs as Bob Toombs, when you speak to them or of them?

Answer. I speak of them respectfully, as Hon. Bob Toombs, &c. I have no prejudice against any people as to their race.

By the CHAIRMAN:

Question. Is that the popular way of speaking of them, with both the white and colored people, when referring to these gentlemen?

Answer. The popular way of referring to them is to call them Ben. Hill and Bob Toombs.

Question. How is Mr. Stephens spoken of?

Answer. In my section of the country he is spoken of as Aleck Stephens. He lives in my district. I have known Mr. Stephens for twenty years.

By Mr. LANSING:

Question. That is the common manner of speaking of them by their own friends?

Answer. Yes, sir. Of course, when I meet them I am as polite to them as to any other gentlemen. I treat them as gentlemen.

Question. In which congressional district do you live?

Answer. In the fifth congressional district. In the same congressional district in which Governor Bullock is.

Question. This election of last December was a congressional election?

Answer. Yes, sir; as well as for members of the legislature and county officers.

Question. Were there but two republican votes in that county for member of Congress?

Answer. Only two.

By Mr. BAYARD:

Question. Who is the Representative from that district in Congress?

Answer. General Du Bose.

Question. You are acquainted with him?

Answer. Yes, sir.

Question. Do you know whether he approves of this sort of work you spoke of?

Answer. Yes, sir; he did.

Question. Do you know whether he has been active in trying to put down these bands of disguised men called Ku-Klux?

Answer. I have never heard of his saying a word against them in my life.

ATLANTA, GEORGIA, *November* 2, 1871.

W. M. SESSIONS sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will begin his examination.

By Mr. BAYARD:

Question. Where do you reside?

Answer. At Blackshear, in Pierce County.

Question. What official position do you now hold under the government of this State?

Answer. I am judge of the superior court for the Brunswick circuit.

Question. What counties are embraced within your circuit?

Answer. Appling, Pierce, Charlton, Camden, Glynn, McIntosh, and Wayne.

Question. The town of Darien is within your circuit?

Answer. Yes, sir.

Question. How long have you held that position?

Answer. I was elected judge in July, 1860.

Question. You were a judge there before the war?

Answer. Yes, sir. I have been a judge of McIntosh County for only about one year, though I have been on the bench since 1860, excepting for one year; in 1864 I was off the bench.

Question. Were you reappointed under the present constitution of Georgia by Governor Bullock?

Answer. Yes, sir.

Question. The object of this committee is to ascertain the general condition of your State, and of the peace and good order of your community, and the security of person and property; will you state what you know upon that subject as definitely as you may?

Answer. In the community in which I live there is perfect order, and we have no disturbance.

Question. That is in Pierce County?

Answer. Yes, sir. And I think throughout the circuit there is no more disorder than before the war. In the county of Appling there have been some homicides recently, but they have resulted from personal quarrels. Indeed, the more recent were family difficulties between relatives; one man was killed by his brother-in-law. A bill was found for murder against one of the parties who did the killing, but he has not been arrested; he escaped. The warrant is in the hands of the sheriff, but it is very doubtful whether he will be arrested at all or not, for no one knows where he is.

Question. In your opinion, is there in your district protection for person and property under the laws of Georgia?

Answer. I think the civil authorities can enforce the law in the circuit in which I reside, unless it be at Darien. I am not much acquainted there, but I know no reason why it cannot be enforced there. I held a court there last April, and have not been there since. There have been reports to me from that section that the officers there would not enforce the orders of the civil authorities. I do not know whether that be true or false; but the reports are that there can be no order enforced contrary to the views of Campbell.

Question. Is that Campbell a justice of the peace there, and senator from that district?

Answer. Yes, sir.

Question. He is the one who has been examined before this committee?

Answer. His name is T. G. Campbell; there may be a prejudice against him.

Question. That is the only portion of your district in which disorders are reported, and the statement is that law cannot be enforced against his wishes?

Answer. That is the report.

Question. What is the character of the population of Darien at present?

Answer. I am not prepared to state the character of its population. I never was in the place until I held court there in December last. It would be guess-work with me; judging from the size of the village, there must be a population of a thousand at least, I should think.

Question. Which race preponderates, the black or the white?

Answer. The black race. While there, and all the time I have been there, there have been perfect order and quiet; there has been no disturbance at all; everything moved on quietly and orderly.

Question. By whom is the wealth of Darien possessed or owned?

Answer. By the whites, I should think.

Question. They are fewer in number than the others?

Answer. Yes, sir.

Question. Is there some commerce and trade there?

Answer. I think it quite a mercantile community; it is a place where they deal in lumber largely. I do not know that there is much cotton bought and sold there, but some lots of rice are brought in and sold to the merchants there.

Question. Can vessels approach that port?

Answer. They come in there; I do not know of what size. I saw them there at the wharves.

Question. Has it a tolerably good harbor?

Answer. Pretty fair, I should think.

Question. The commerce is in lumber and rice?

Answer. Yes, sir.

Question. Do you know whether all of the officials of that county are colored men?

Answer. All that I recollect are.

Question. So far as you have been informed, what has been Campbell's conduct in office; is he a competent man for his place?

Answer. I know but little of him in the first place; my first knowldge of him as a justice of the peace was from the presentation to me of a writ of *habeas corpus* to grant relief to a man who had been committed to jail by Campbell.

Question. For what cause?

Answer. The facts showed that Mr. Fisher was a merchant, or kept some kind of shop there, which had been broken open. He went to Campbell, as a justice of the peace, to procure a warrant for the arrest of the party he supposed had broken open the store. Campbell issued the warrant and placed it in the hands of a constable. Probably the constable took a posse; I think he did, some few; I do not know how many. He failed to arrest the party, who has never been heard of; perhaps he did not find him. Upon

their return and report that he was not to be found, Campbell made out a bill of costs for seventy-odd dollars. Fisher thought the costs were too much, and declined to pay them until he saw a lawyer and ascertained whether it was right or not.

Question. Costs of between $70 and $80 upon a common peace warrant for breaking open a store?

Answer. Yes, sir. Fisher was advised that the costs were too much, and that he should not pay them. He refused to pay them, and Campbell put him in jail for contempt of court, which I hold he had no authority to do. I hold that it was no contempt to refuse to pay costs; that his remedy was to issue an execution against his property.

Question. Upon that writ of *habeas corpus* you heard the case?

Answer. Yes, sir, and ordered Fisher to be discharged from jail.

Question. Those facts appeared before you on oath in respect to Campbell's dealings?

Answer. They appeared by the petition and the return of Campbell; whether under oath or not, they were by admission. Campbell was present at the trial.

Question. Did he give any other cause for the imprisonment of Fisher than his refusal to pay the costs?

Answer. None at all. He referred to a section of the code which he held gave him authority to commit him, but it did not give him authority.

Question. Did all that betray a gross ignorance on the part of the magistrate?

Answer. Yes, sir.

Question. Was it not an act of gross oppression to commit a man for that reason?

Answer. Yes, sir.

Question. I will ask you further, as a judge, whether in Georgia, for the last eleven years, such costs could be taxed in such a case?

Answer. I do not think they could. There was not a bill of costs; the costs were not itemized at all.

Question. He should have itemized his bill of costs?

Answer. Yes, sir.

Question. The man sued out a warrant for the arrest of the supposed robber of his store, and that warrant was delivered to a negro constable?

Answer. Yes, sir.

Question. Who was charged with robbing that store?

Answer. A colored man.

Question. Was he a resident of that neighborhood?

Answer. I presume he had been; he was known about the place, and Fisher suspected him of being the man who robbed his store. I do not know particularly about him; at any rate, they never arrested him.

Question. And the negro constable refused or failed to find him?

Answer. I do not say that he refused to arrest him, but he did not find him.

Question. If the man was of that neighborhood he did not find him?

Answer. I suppose he was of that neighborhood.

Question. He returned the writ *non est*?

Answer. Yes, sir.

Question. And upon that this Campbell, a justice of the peace and a State senator for your district, committed Fisher for non-payment of costs, between $70 and $80?

Answer. Yes, sir; and he remained in jail until I discharged him.

Question. Do you know whether or not Campbell has been indicted for that attempted extortion, for those illegal fees?

Answer. I think there is a bill against him for false imprisonment.

Question. In your district?

Answer. Yes, sir.

Question. Found at what term?

Answer. The April term of this year.

Question. The next term succeeding his attempted extortion?

Answer. Yes, sir.

Question. Do you know anthing of his arrest of a captain of an English bark for an alleged assault and battery upon some of his crew while on his vessel?

Answer. I do not know how I can tell you intelligibly about that. There have been two difficulties there about barks, or some kind of vessels, in which he was alleged to have caused all the difficulties, of course. The captain came up to see me; Campbell was the man charged with causing all the difficulties.

Question. What was the character of the charge against him in regard to creating difficulties with the crews of those vessels?

Answer. I will have to study a moment on that; there are two cases, and I do not want to get them mixed. [After a pause.] The last one was reported to me by Captain Hatfield, an Englishman, I think. He petitioned for relief, and reported that there was a mutiny upon his brig; that his crew refused to obey orders, and one of them started to take his boat to Darien. He ordered him not to do it, and he refused to obey the order and said he would take the boat. The captain shot him, or shot at him; I *th*[illegible]ly he hit him, though I am not certain about that. At any rate, he shot

at him. The crew then arrested Captain Hatfield and put him in the boat and carried him to Darien.

Question. The crew rose and took possession of the captain?

Answer. Yes, sir. After getting to Darien they had him arrested for assault with intent to murder, upon a warrant issued by Campbell, and he was put in jail. I interrogated him about how he came to go to jail. He said he was carried before Campbell, who notified him that he was charged with an assault and battery with intent to kill. He said that this man disobeyed his orders and he shot him. Campbell asked him if he had nothing else to say, and just committed him to jail. He had no counsel there, and after having been there a day or two he began to think it was rather a serious matter, and procured counsel. They went to Campbell and wanted a rehearing, and Campbell would not give it, saying that the man had had an opportunity of being heard and would not avail himself of it, and he did not think he had a right to another hearing. They alleged these facts in the petition to me, and asked me to order him to be brought up on a writ of *habeas corpus*. I could not appoint any time to go there; all I did was to write upon the petition that upon a consideration of the facts as alleged in the petition, in my opinion, Hatfield ought to have a rehearing. In the mean time, he deposited all the money he had in the hands of a merchant there, to enable him to give security so that he might get out of jail. He was there without a crew, and without money to get another crew with, and desired to get the use of his money, if possible. I simply wrote upon the petition that, in my opinion, from the facts alleged in the petition, he ought to have a hearing, if he desired it, as he was a foreigner, did not know the practice of our courts, and had had no counsel at the time he was committed, but had since procured counsel. I also expressed the opinion that if, upon this rehearing, in the judgment of the magistrates, he should not be committed, then he should be discharged, or, if committed, he should be permitted to give bail. That was carried back, and my opinion was acquiesced in. He had a rehearing before magistrates, and, as I understand, they discharged him, and entered an *exoneratur* on the bond he had given, and he then got another crew and left. That is about all I know of that case.

Question. Who were the magistrates who gave a rehearing; was Campbell one of them?

Answer. I do not remember; I have had no report. It was probably Ghilson, a notary public and *ex-officio* justice of the peace appointed by Governor Bullock.

Question. Is he a white man?

Answer. Yes, sir; a northern man who came there since the war, and a very good man.

Question. He discharged the man and had an *exoneratur* entered upon the bond he had previously given?

Answer. Yes, sir.

Question. What other case of this man's maladministration do you know about?

Answer. Well, sir, there was one in connection with some other brig, or other kind of vessel. I do not know much about vessels; I am not much of a water man. It was a vessel engaged in the lumber trade.

Question. Was it similar in character to the one you have mentioned?

Answer. Campbell was arrested under a bill and carried before a commissioner, and the commissioner discharged him, probably because he did not have jurisdiction; but he censured him very severely for what he had done.

Question. He did not think it came within the purview of the act of Congress touching that matter?

Answer. No, sir.

Question. Was this Captain Hatfield a stranger; was he an Englishman?

Answer. Yes, sir.

Question. His alleged offense was committed on board an English ship afloat in the waters of Georgia?

Answer. Yes, sir; and he has a claim now pending against the United States for damages; at least I have received a paper lately stating that fact.

Question. Do you know whether this Captain Hatfield was held by Campbell in any bail in civil suits?

Answer. It occurs to me he was; but I am not certain about that.

Question. I may state to you that Campbell has been here and stated that he held the man to bail in civil suits in the sum of $26,000; and he stated also that it was within his jurisdiction, as justice of the peace, to fix the bail in civil suits at any amount he might see fit.

Answer. I do not know of any such law.

Question. Did you ever hear of any such law?

Answer. I do not know of any, and I never have known of any such law.

Question. Have you knowledge or information from a reliable source of any assault by a band of colored people upon a colored man in that neighborhood, by the name of

Aaron A. Bradley, which band Campbell and his son headed, and that they chased Bradley into a swamp?

Answer. No, sir.

Question. You have not been informed on that subject?

Answer. No, sir.

Question. How are your juries composed in McIntosh County?

Answer. They are mixed; I think at the last term there they were equally divided, that is, upon the petit jury.

Question. You mean by "mixed," composed of black and white?

Answer. Yes, sir; on the grand jury there were four or five colored men.

Question. Does Campbell attempt to exercise in that county general sway over the affairs of the people?

Answer. I have been informed so, but I do not know: I have never heard him make any——

Question. Do you know, from the white people of that county, whether complaints against his overbearing disposition to interfere with them and to oppress them in his office have been brought to you?

Answer. There have been frequent statements to me on that subject. When I went down there to try the *habeas corpus* case I was in a very great hurry; Fisher desired to take out a warrant before me for false imprisonment, but I did not have time for that. The magistrates had the same jurisdiction in that matter that I had, and I referred him to a justice of the peace. He went to Ghilson, an *ex-officio* justice of the peace, and he declined to give a warrant upon the ground that he could not enforce it. I was in the act of leaving, and he came to me and insisted upon my remaining and hearing the case.

Question. As I understand you, Ghilson had jurisdiction to have given him a warrant in his action against Campbell for false imprisonment, in committing him to jail for not paying this extortionate bill of costs you have mentioned, but when he applied to Ghilson for a writ he refused to give it to him?

Answer. Yes, sir; upon the ground that he could not enforce a judgment against Campbell.

Question. Did he mean by that that Campbell would resist a process?

Answer. In fact, Ghilson himself came to me and insisted upon my issuing the warrant and hearing the case, because, in his opinion, a warrant or order from me would be obeyed, while one from him would not be.

Question. Campbell would disregard the process and would resist it?

Answer. That was Ghilson's opinion. I could not stay, and left, and Ghilson never issued any warrant.

Question. Have you ever heard of any attack upon Campbell himself?

Answer. I have never heard of any.

Question. You hold court in that county and in that district?

Answer. That has been in my circuit for about a year; I have held two terms of the superior court there.

Question. I will ask you, as a citizen of that district, and as the presiding judge of that county, whether you believe or have any reason to believe that Campbell is insecure in his person and property in the place where he resides?

Answer. I know of no reason why he is not secure; he may not be, but if so, I have never heard of it.

Question. Have you ever heard of plots or plans to take his life or to injure his property?

Answer. I have never heard of any.

Question, Have any such complaints ever been made by him, to your knowledge, to the grand juries of that county?

Answer. None that I have ever heard of.

Question. Have any applications been made by him to the officers of the law for aid in such cases?

Answer. None that I know of.

Question. When did Campbell come to Darien?

Answer. Since the war; I do not know when. I was informed by citizens there that after the war he took possession of an island over there somewhere near Darien, and was governor of it.

Question. When did he become a resident of Darien?

Answer. He had to be dispossessed of that island by soldiers, I think, and then he moved to Darien; that is my information.

Question. How did he take possession of that island?

Answer. I do not know.

Question. Did he hold it against the lawful owners?

Answer. I think so.

Question. Who was the owner of the island?

Answer. I do not remember. I am not posted as to the owner of the island or the

t, but I could give you names so that you could get all the facts about it. He islature there—a senate and a house of representatives.
ı. On that island?
. Yes, sir.
ı. A government created by himself?
Yes, sir.
ı. Do you remember to whom the island belonged?
. I do not.
ı. Was it private property of citizens of Georgia?
. I presume so.
ı. Under what authority was that government established?
. Under his own authority.
ı. He was the autocrat of that island?
Yes, sir.
n. It was a negro government?
Yes, sir; one law, I was informed, was, that no white man should put his ıat island.
ı. Was that island a fertile and valuable property?
. I am not prepared to say.
ı. Do you know to what culture it had been subjected before the war?
. I do not; most of those islands are for rice and sea-island cotton.
ı. Was it valuable property?
. I think so.
n. Were those islands or not among the most fertile and valuable of Georgia

. Yes, sir.
n. And sea-island cotton is raised upon them?
. Yes, sir.
n. That is the very highest grade of cotton?
. Yes, sir.
n. Rice-planting is one of your most valuable industries?
. Yes, sir; it has been, and I believe it is now, since the war.
n. Do you know whether the persons who applied for the United States troops :hem in regaining possession of their property and rescuing it from Campbell's ıd previously resorted to courts of law and obtained judgment of ejectment?
. I do not know; it was not in my circuit at that time. I have just gathered ısually.
n. It is information brought to you by others?
. Yes, sir.
n. Do you believe it to be of a reliable character?
. I think so.
n. Do you know what officer sent his soldiers and turned Campbell and his ıt?
. No, sir; I do not. There were soldiers stationed at Darien after the war for ɜth of time, but I do not know of what command.
n. Were they delegated by their superior officer to restore the island to the ı of its owners?
. That is my information.
n. And Campbell and his crowd were turned out?
. Yes, sir.
n. Did he then come across to the mainland?
. After that, yes, sir.
n. And settled himself in Darien?
. Yes, sir; I think he owns a house and lot in Darien.
n. He lives there, as you have described, surrounded by a large negro popu-

. Yes, sir.
n. Do you recollect whether he came there in 1868?
. I do not know when; it was since the war.
n. Do you know whether he was immediately elected to the State senate upon ing there?
. I cannot remember.
n. He is in the senate now?
. Yes, sir; and he was a delegate to the constitutional convention.
n. The convention that framed the constitution of Georgia?
. Yes, sir; I think that was a short time after his arrival there, after he was ıt as governor of the island.
n. After he was dispossessed of the island, he was elected to the constitutional on?
. Yes, sir.

Question. And his son was elected to the legislature?

Answer. Yes, sir; he was elected to both legislatures. His son-in-law is clerk of the circuit court, and, by-the-by, he has a very good character.

Question. He is clerk of your court in that county?

Answer. Yes, sir.

Question. Are any of his other relatives holding office there?

Answer. I do not know of any others; his son is representative here, and his son-in-law is clerk of the court.

Question. Campbell is a preacher, is he not?

Answer. Yes, sir; that is my information.

Question. Do you know whether, in his dealing with the white people of that county, Campbell is courteous, civil, and obliging, or is he imperious, overbearing, and unjust?

Answer. I should think, as a general rule, he is very polite; I do not know about that. I have met him a few times, and I have never met a more plausible man; he is very polite and plausible.

Question. That is his bearing toward you?

Answer. Yes, sir; he is very polite and plausible in his course toward me, and I presume that would be his course toward others, unless, perhaps, where he has power as a justice of the peace, for instance. As a magistrate, I do not know what his course is, only that he makes up his mind and pursues his course, whether right or wrong.

Question. You were acquainted in Liberty County before the war?

Answer. That is adjacent to my circuit.

Question. That is in Campbell's senatorial district?

Answer. Yes, sir; I know but little of Liberty County.

Question. Its political condition just now is overwhelmingly republican, owing to the negro vote?

Answer. Yes, sir; I understand so.

Question. Do you know any white republicans in that county?

Answer. I do not believe I know any there; I am not much acquainted there; I presume however there are some, but I do not know them.

Question. What was the character of the soil and property of Liberty County before the war?

Answer. I never traveled but little in Liberty, only through on the railroad. I think Liberty County has some good land, valuable land for rice.

Question. Was it not considered a very valuable county, so far as its real estate was concerned?

Answer. Very valuable; they have some valuable plantations there.

Question. Was it not the abode of an unusually refined and cultivated society?

Answer. Yes, sir; they had very good society there, neighborhoods of elegant society and good schools.

Question. Do you know whether or not there was a remarkable contribution of the youth of that county to the university of your State?

Answer. I think there was; yes, sir.

Question. Now state the condition of that county, in regard to its affluence, &c.?

Answer. I think it is rather a poor county. I think that most of the people are poor; I think there are very few there with comparatively any means.

Question. Has the county declined in all the respects I have mentioned?

Answer. Yes, sir; so far as I can learn.

Question. Are you yourself at all acquainted with these sea islands?

Answer. No, sir; I was raised in the interior, and lived some fifty or sixty miles from the coast.

Question. There have been detailed to this committee a great many, and a great many too many, acts of violence in the way of whipping men and shooting men, &c., by disguised people at night. I will ask you whether any such cases have, to your knowledge, occurred within your district?

Answer. I have heard of but one case, and that occurred last spring in Appling County. The first I heard of it was through Governor Bullock. The party who was whipped wrote a letter to Governor Bullock, and he inclosed the letter to me for investigation.

Question. Who was the party whipped?

Answer. I do not remember the name exactly; it was Mobly or Mosley, or some such name as that.

Question. Was he a white or black man?

Answer. I do not know; I had nothing to do with the matter, only at the last term of the court in Appling I charged the grand jury especially upon that subject, and urged them to investigate all matters of that sort; I told them I had been informed through the governor that there had been at least one instance of the kind there, and I directed them to investigate the matter; I inquired occasionally of the solicitor general about it, and he said the party was there.

Question. The man who was punished?

Answer. Yes, sir; the solicitor general notified me the first day that he was there.

The latter part of the term I inquired after him again, and he informed me that the man who was whipped had been paid one or two hundred dollars and had gone back home.

Question. Paid by the parties who had injured him?

Answer. Somebody had paid him one or two hundred dollars, and he had left.

Question. It was an assault and battery on him?

Answer. Yes, sir; I understood they had taken him out at night and whipped him.

Question. He was satisfied, and went away?

Answer. Yes, sir.

Question. That was the end of that case?

Answer. Yes, sir.

Question. You charged the grand jury in denunciation of these crimes, and urged their investigation?

Answer. Yes, sir.

Question. And the solicitor general and yourself were both urgent in prosecuting them?

Answer. Yes, sir.

Question. Is the sentiment of your people in opposition to these things?

Answer. I have lived in that section for about twenty years, and there is less of what they there call regulating in those communities now than there was before the war.

Question. Regulating?

Answer. That is what they call it; taking men out at night and whipping them.

Question. For some criminal offense?

Answer. Yes, sir. Directly after the war they commenced pretty considerably. I have always been conscientiously opposed to anything of that sort, and I made it my business at once to charge the grand juries for several terms earnestly upon that subject, and it died out, and there is very little of it now.

Question. Suppose that man who was whipped had been a negro, and had chosen to bring his case before your grand jury, would an indictment have readily been found by them?

Answer. Yes, sir; there would have been no difficulty about it.

Question. And if one had been found, would your petit jury have honestly done justice to him, if his evidence was such as reasonably to warrant a conviction?

Answer. Yes, sir. I have tried a number of cases where negro men have been witnesses against whites, and in all cases where they gave their testimony intelligently, (there are some that you can scarcely understand what they mean;) but the testimony of any negro man that is given intelligently and intelligibly, is never disregarded in the courts. The only way their testimony is disregarded is for the whites to put up some witness that will swear he will not believe the negro on oath. But that is not oftener done with colored witnesses than with whites.

Question. It is the usual mode of impeaching witnesses?

Answer. Yes, sir.

Question. From your experience as a magistrate in that county, do you believe that your courts and juries are disposed to do justice, and can efficiently do justice under the laws of Georgia, to all persons who may come before your courts?

Answer. I think so, so far as I can determine.

Question. And that is without regard to race, or color, or politics?

Answer. Yes, sir. Indeed, I have been of the opinion, a time or two, when a colored man was on trial, that if he had been a white man he would have been convicted, where the negro was acquitted.

Question. And you then consider that if there is any bias in your district it is in favor of the colored man?

Answer. As a general rule, yes. Of course there may be some cases in which there may be some prejudice.

By the CHAIRMAN:

Question. Your opinion is that, if evidence is brought forward sufficient to satisfy the jury of the guilt of a party, he would be convicted?

Answer. Yes, sir.

Question. And if convicted the courts would administer the law?

Answer. Yes, sir.

Question. Have you ever known, in your circuit or out of it, any person punished for these night marauding acts of violence, committed by what is popularly known as the Ku-Klux?

Answer. No, sir; I have not. There have been but few instances of that sort in my circuit, and, as a general rule, if they occur it is never found out who does it.

Question. It is done secretly, and by disguised bands?

Answer. Yes, sir.

Question. Have you ever taken any pains to inform yourself of the character of this organization called Ku-Klux?

Answer. No, sir; I do not know a word about it. In fact I have doubted whether it existed in my neighborhood at all. If it is there it is in such a way that I have never found out anything about it.

Question. You have never been consulted about it by any of the parties?

Answer. No, sir.

Question. Do you think you would be likely to be consulted with by men engaged in that sort of business?

Answer. I hardly think I would; at least they would not consult me in such a way as to lead me to believe that they belonged to it, because it is well known that I am opposed to anything of that sort whatsoever. There is hardly a man in my circuit who does not understand that I do not approve it, and hence I would not be consulted about it at all, so as to lead me to suspect that they belonged to the organization.

Question. Do you think that their victims would be likely to come to you with their complaints?

Answer. I think so; I have been consulted by parties.

Question. By parties who have been injured?

Answer. Not recently, as there has been but little of it recently. Some three years ago, in Echols County, which was then in my circuit, a man came to me and said that he was afraid to prosecute. I told him he should do it, and he went forward and got bills, and wanted me to have him guarded. I told him I could do so if he wanted it, but I did not think it was necessary; that he could remain there on the court ground.

Question. The man was terror-stricken?

Answer. Yes, sir; it seemed so; but he did prosecute, and it broke up the band.

Question. What success had he in prosecuting?

Answer. He obtained true bills, and the parties escaped over into Florida; there never was any arrest. The court-house was some eight or ten miles from the Florida line.

Question. You have been asked something with reference to Liberty County; you say it was a wealthy county before the war.

Answer. That is my information.

Question. A very large proportion of the people living there were slaves?

Answer. Yes, sir.

Question. The slaves have been emancipated, and the property, in a great measure, has gone for that reason?

Answer. Yes, sir.

Question. The lands are there, of course?

Answer. Yes, sir.

Question. Are they attempting to cultivate them?

Answer. On a much smaller scale than before the war.

Question. I suppose there is the same property there now that there was before, except that the negroes, instead of being owned by the white people, now own themselves.

Answer. I hardly think there is as much property there, aside from the decrease by the emancipation of the slaves.

Question. Do you think there are as many negroes there now as there were before the war?

Answer. There may be as many; but I mean to say that there is not as much property as there was before the slaves were emancipated. I do not think they have such large stocks, &c.; that has decreased, as would necessarily be the case, for, of course, they would not have so much use for them.

Question. You have been asked with regard to the Sea Islands; who lived on the Sea Islands before the war—what sort of population?

Answer. There were a few persons who had residences there, who lived there, probably only temporarily; that is, had their winter residences there, probably. I know but little of it; it is merely hearsay. For instance, Thomas Butler King had a residence on Saint Simon's Island for the winter.

Question. Excepting those temporary sojourners, who lived there?

Answer. Their slaves.

Question. There was a large negro population there?

Answer. Yes, sir; probably forty or fifty or more huts around one man's residence.

Question. What time were those islands and the adjacent islands taken possession of by Federal forces during the war?

Answer. I do not remember.

Question. Do you know that after they were taken possession of the Government made provision to have the colored people looked after, and provided for, and settled upon those islands?

Answer. I do not know; I rather think there was something of that sort.

Question. The lands were parceled out among them so that each should have a portion to cultivate, and on which to fix up a little tenement as his home?

Answer. I do not remember; I have heard something on that subject, but I do not now recollect what.

Question. And, under this general policy, Mr. Campbell was assigned there, in the first place commissioned by President Lincoln, and then assigned there by General Rufus Saxton?

Answer. I do not know a word about that.

Question. You do not know how that was?

Answer. I do not.

Question. Did any of those white people stay on the islands at that time, or did they all leave?

Answer. I have no idea that there was a white person on the islands there at the close of the war.

Question. Were they generally of that class of people who, during the war, were called rebels?

Answer. Yes, sir.

Question. They were universally so?

Answer. Yes, sir.

Question. After the war was over, and President Johnson succeeded to the Presidency, their offenses, whatever they were, were pardoned, and they were reinstated in possession of their lands, and the negroes were driven away?

Answer. That is my recollection of the matter.

Question. You have been asked with regard to Campbell; how much acquaintance have you with him?

Answer. Well, it is very little; I have only met him a few times, not exceeding half a dozen times.

Question. Did you ever have any intercourse with him, excepting officially?

Answer. Very little. For instance, I met him this morning and he was asking me about the court in his county, when it would be held. I spoke to him about five minutes, perhaps.

Question. Do you know anything about his educational qualifications?

Answer. I do not; I think it is limited, however. I should so judge from some of his papers that I have seen.

Question. You said he was a preacher.

Answer. I never heard him preach.

Question. What is his private character for morality and uprightness?

Answer. I do not know anything about that. I never heard anything about that. All I know about him is what little I have seen of him, just meeting him occasionally, and what has been reported to me about him, which I have already stated. I do not know anything else of him.

Question. Do you know anything about the interest he has in his own race; his attempts to protect them in their rights, and to elevate them in character, life, and conduct?

Answer. I do not, only this far: He professes to look, and his acts show that he does look, very closely to their rights as citizens. The reputation he has at home is that he tells them he is their man, their saviour just now.

Question. You learn that from the citizens of Darien who are his personal enemies?

Answer. Yes, sir; I presume so. They say that he harangues them and tells them that he has been sent by God to them in that place; that is what they say.

Question. Does he use that in more than its ordinary sense?

Answer. That he is sent there for their protection and for their interest.

Question. That comes from the white democrats, his enemies?

Answer. I do not know what their politics are, for I am not much more acquainted with them than you are.

Question. Well, from the white people, his enemies?

Answer. It comes from the white people.

Question. He is very odious to them, is he not?

Answer. I do not know anything about that.

Question. Would they not like to drive him from the community?

Answer. I think they would.

Question. Suppose some one should go there and take his life; do you suppose any effort would be made to pursue the offenders and bring them to justice?

Answer. I do not know about that. I should suppose those of his own color would do so.

Question. I am speaking of the white people?

Answer. Some few of them would.

Question. Who?

Answer. Doctor Wilson, the mayor of the place, I should say, would, for one. I do not know what others would do so.

Question. You say he holds the office of justice of the peace there?

Answer. Yes, sir.

Question. By appointment or by election?

Answer. By election, I think?

Question. Under your laws, what is the jurisdiction of a justice of the peace.

Answer. They have jurisdiction in civil cases to the amount of $100; in criminal cases they have no jurisdiction except as committing magistrates, issuing warrants and hearing testimony as to weather the offense has been probably committed; and if, in their opinion, it has been, they can commit to jail or take bond for their appearance at the superior court.

Question. Is there a provision in the laws of Georgia requiring defendants in civil suits to give security?

Answer. None whatever.

Question. Do you have a writ of *capias ad respondendum?*

Answer. In civil suits the only bonds a magistrate can require is for appearing. A suit may be commenced in a justice's court for $100 or less. If the amount exceeds $50, the defendant has a right to appeal to the superior court. In that event it is the duty of the magistrate to take a bond of the defendant if he is able. In a case below $50 they may be certioraried upon affidavit; then they must pay the costs.

Question. Can a suit be instituted before a justice of the peace in your State that can be carried on in your superior court?

Answer. No, sir; only by appeal or by *certiorari.*

Question. A justice of the peace cannot issue what is called leading process?

Answer. No, sir.

Question. What is the jurisdiction of the district court, the court between that of a justice of the peace and the superior court?

Answer. The constitution allows a district court, but they are only few districts that have such courts. For instance, there is but one senatorial district in my circuit that has a district court. In the county in which Campbell lives there is no district court. In one district, they have a district court in my circuit, but that is not in the district in which Campbell lives. I believe the district court has jurisdiction of all criminal cases below that of felony, and their civil jurisdiction, I believe, is about concurrent with that of the superior court; that is my recollection of it. There being none in my district, and not having had any cases come up, I have not made myself very familiar with the act organizing the court.

Question. You are not very familiar with the extent of the jurisdiction of that court?

Answer. No, sir.

Question. And, therefore, you would not like to speak positively?

Answer. No, sir. They are very unpopular any way. In my part of the State suitors prefer to go into the superior court.

Question. There is not in Georgia at this time the old common law writ of *capias ad respondendum?*

Answer. No, sir.

Question. The writ providing for arresting parties and requiring them to give security for civil damages?

Answer. No, sir; that is abolished by the constitution. A man cannot be imprisoned for debt in any shape.

Question. Do your magistrates have power to punish for contempt?

Answer. Yes, sir.

Question. To what extent?

Answer. A magistrate, for contempt of court, can fine a person $5 or $10, I forget which, not exceeding $10 I think, and can imprison for about three days; two or three days' imprisonment is the extent of the power in the matter of contempt.

Question. What constitutes a contempt of a magistrate's court?

Answer. Any disorder; for instance, using disrespectful language to the court, or anything of that sort.

By Mr. SCOFIELD:

Question. Any interruption of the administration of justice?

Answer. Yes, sir; or interfering with the business of the court.

By the CHAIRMAN:

Question. Would language, either personally disrespectful to the magistrate or contemptuous toward the authority of his court, be regarded as a contempt?

Answer. I should think so, if used while the magistrate was presiding.

Question. Is not that a question for the court decide, in the exercise of its discretion, as to what constituted a contempt?

Answer. I think so.

Question. Unless that discretion is exercised maliciously, is it any ground for holding the magistrate responsible that he may have exercised it unwisely, or, in the opinion of other persons, indiscreetly, or without proper cause?

Answer. I should think not. I should think if an officer acted in good faith, but *ignorantly,* there was no ground for holding him responsible.

Question. I am asking you now as a lawyer; is not that the law, so settled for years?

Answer. Yes, sir.

Question. Do you know whether, in the case of Fisher, he was committed for only five hours, and at the end of the time refused to leave the place of confinement, and upon legal advice, or otherwise, insisted upon staying in jail and suing out a writ of *habeas corpus*?

Answer. I have no such information as that.

Question. You do not know that from the petition as presented?

Answer. No, sir; only from the answer of the sheriff or from Campbell, who was present at the hearing.

Question. You have spoken of one case of a sea captain, a Captain Hatfield; please state whether the real thing underlying the whole of that business was not that he had some colored sailors on his vessel, and was attempting to hold them after their term of contract had expired, and in violation of their rights?

Answer. That was not my information. All I have stated on that subject is on the petition sworn to by Hatfield and presented to me.

Question. If that fact existed it would not be likely to be put in such a paper?

Answer. I should think not.

Question. That state of the case would not be likely to be brought by them to your notice?

Answer. No, sir.

Question. And you have heard nothing from the other side?

Answer. No, sir.

Question. If that were so, if the sea captain had enlisted a crew, either black or white, for a certain length of time, at the end of which they were to be discharged, and he were then to attempt by violence, or by his authority as master of the vessel, to force them to continue longer on his vessel, would you not regard that as a very great outrage?

Answer. I should, certainly.

Question. Can you conceive of a much greater outrage upon a man's private rights?

Answer. I could not.

Question. It is practically slavery for the length of time, is it not?

Answer. I should think so.

Question. If such a case were presented to a magistrate, would you not think it his duty to interpose and try and relieve those persons?

Answer. I should think so.

Question. You certainly would do it?

Answer. If these representations were made to me, I should interpose.

Question. You have spoken of the population of Darien and McIntosh County; that is a rice county, is it not?

Answer. Yes, sir.

Question. What is the comparative population of that county, negro and white?

Answer. I do not know; I am not posted at all in that matter. I made a statement about the population of Darien, but I have never inquired or looked into it. The only way I came to the conclusion that there were probably a thousand inhabitants there was just from the number of houses that I noticed there.

Question. Is the disproportion of white to colored very great, or are the colors equally divided?

Answer. The colored population is very greatly in the majority.

Question. Is it not very distasteful to the white people that live there to have the political power of the county—the numerical power of the county at the ballot-box—in the hands of the colored people?

Answer. I should think so.

Question. And would they not do almost anything to obviate that state of things?

Answer. I should think they would do anything they could reasonably do. I do not think they would, as a general rule, resort to any violation of the law.

Question. You spoke of your clerk being a colored man, the son-in-law of Mr. Campbell?

Answer. Yes, sir.

Question. How is he appointed to his position?

Answer. He is elected by the people.

Question. I understand you to say that he was a good man?

Answer. He is a good officer—a man of very good character. The whites give him an excellent character. I do not think he has any enemies at all among the white population.

Question. You have been upon the bench a great while, and are acquainted with clerical duties; how is his ability in that respect?

Answer. He keeps a very nice record—everything in order and complete.

Question. How is his handwriting?

Answer. It is a very good writing; a very plain hand.

Question. You understand that he is a man of good moral character, in addition to his official abilities?

Answer. Yes, sir; that is his reputation. Mr. Gingalatt, a lawyer who lives there, and who was the opponent of Campbell for the senate, and who, in fact, occupied Campbell's seat as senator when the colored members were expelled from the legislature, speaks well of Howard, the clerk, and thinks he is a very good man.

Question. He was a candidate against Campbell?

Answer. Yes, sir; and he occupied the seat of Campbell when the colored members were expelled from the legislature.

Question. And when the colored members were reinstated he retired?

Answer. Yes, sir.

Question. Do you know that there is a very bad feeling on his part toward Campbell?

Answer. I rather think so; I do not think he thinks well of Campbell at all.

Question. What does Campbell think of him? Did you ever hear Campbell speak of him?

Answer. I never heard Campbell mention his name, that I know of; but I do not think there is any love lost between them.

Question. Have you ever heard him speak harshly or unkindly of any man?

Answer. I never have; he is a very plausible man; I know of no man more plausible than Campbell.

Question. You have used that word "plausible" several times; what do you mean by that?

Answer. I supposed every one understood the term "plausible." I mean that he meets you pleasantly, and speaks of everything in a pleasant manner, and in a favorable manner; that is what I mean by the term.

Question. Many persons understand the word plausible in a bad sense; do you mean to be understood as using it in that sense?

Answer. No, sir.

Question. You mean that Campbell is a man of good manners and pleasant address?

Answer. He appears so to me. His manner is pleasant, and his conversation is not objectionable; I may use that term instead of plausible.

Question. I understand you to say that you were elected judge in 1860?

Answer. Yes, sir.

Question. And you continued in office until what time?

Answer. Until November, 1864, I think.

Question. How did you come to leave the bench then?

Answer. There was another judge appointed in my place. I was very low and not expected to live. I do not know whether that was the cause of my not being reappointed at that time when my term expired. About a year after that, or not a year, maybe a few months after, the judge who had been appointed in my place died, and I was reappointed. It was just after President Johnson's proclamation restoring civil authority, and appointing James Johnson provisional governor of Georgia. He reappointed me judge, and I was afterward elected. I believe I have been elected twice since, and I have been appointed twice by Governor Bullock.

Question. What is your political association?

Answer. I have not belonged to any political organization since the war?

Question. How have you voted?

Answer. I was for reconstruction.

Question. Did you vote at the last congressional election in your State?

Answer. I voted for congressman at the last election, but I did not vote for congressman at the election for governor.

Question. Did you vote at the election of governor, between General Gordon and Mr. Bullock?

Answer. No, sir.

By Mr. BAYARD:

Question. You have spoken of a colored man who is clerk of your court, a son-in-law of Campbell.

Answer. Yes, sir.

Question. I will ask whether his duties are not simply ministerial?

Answer. Yes, sir.

Question. And those duties he performs well?

Answer. Yes, sir.

Question. He writes a good hand and keeps his records correctly?

Answer. Yes, sir.

Question. He is a very respectable man?

Answer. That is the reputation he bears.

Question. I understand you to say that he is well thought of among the white people, and is respected by all classes of white men?

Answer. I do not know about that; I know but few there, and I have heard no complaints against him.

Question. I will ask you whether a respectable, well-ordered, honest colored man would not be always treated kindly and respectfully by the white people of your district?

Answer. Yes, sir; so far as I have ever known.

Question. Is not their objection to colored men, whom they do speak of disrespectfully, because they are persons whom they believe are otherwise than respectable and honest?

Answer. I am inclined to think so.

Question. You have been asked about the district court; do you know a district judge named Syms?

Answer. No, sir.

Question. Do you know who he is?

Answer. I have seen the man who I think is the district judge. I think he was a representative in the legislature. I do not suppose I would know him if he were to come in here now.

Question. Is he a colored man?

Answer. Yes, sir.

Question. Is he a dark-colored man?

Answer. I am inclined to think he is probably copper-colored; I do not believe he is a mulatto.

Question. What counties are embraced in his district?

Answer. Chatham, Bryan, and Effingham, I believe.

Question. The county of Chatham embraces the city of Savannah?

Answer. Yes, sir.

Question. Do you know what was his condition before the war; whether he was a bondsman or not?

Answer. I do not; it occurs to me that he was a slave.

Question. What was his business before his appointment as judge?

Answer. I do not know.

Question. Do you know what he did?

Answer. I do not know anything about him. My impression is that he was a slave, but I do not know to whom he belonged; probably some one in Savannah.

Question. Do you know yourself, or have you heard from reliable persons, the character of his qualifications for that judicial position?

Answer. No, sir.

Question. Have you heard his qualifications discussed by intelligent men?

Answer. I may have, but I do not know that I ever have. The Savannah papers put him down as incompetent; that is all I know about it.

By the CHAIRMAN:

Question. Democratic papers?

Answer. I do not think there is any other sort there.

By Mr. BAYARD:

Question. Have you never heard the members of the bar speaking of his capacity for judicial functions?

Answer. I think I was in Savannah a few days after he was appointed, and I saw a few of the bar then; probably I saw one or two of them; I think they were speaking of his incapacity; that is to say, I do not know that they meant that he was a man of no sense, but that he had no legal knowledge at all; that he did not know anything about law. I think Mr. Levy was one.

Question. Is he a lawyer there?

Answer. Yes, sir.

Question. Did he say he knew Syms?

Answer. I suppose he knew him by his speaking of his capacity. The truth is, I know but very little about Syms. I never investigated these matters, and anything out of my circuit I do not pay much attention to.

Question. As you understood, was he a man of any educational qualifications for his place?

Answer. My information was that he was not; that is my recollection about it.

Question. Had he any previous education, any knowledge of law?

Answer. None that I know of.

Question. I understand you that in civil suits he would have concurrent jurisdiction with the superior court?

Answer. Yes, sir.

Question. Can he entertain actions concerning titles of real property?

Answer. No, sir; I should have mentioned that before. The constitution gives to the superior court exclusive jurisdiction as to titles to land.

Question. In questions relating to mercantile law and personal property and contracts, has he concurrent jurisdiction with the highest court in the State?

Answer. That is my recollection.

Question. And the town of Savannah is in his jurisdiction?

Answer. Yes, sir.
Question. That is the chief seaport of Georgia, is it not?
Answer. Yes, sir.
Question. There is a very large foreign trade there?
Answer. Yes, sir.
Question. He was appointed by Governor Bullock?
Answer. Yes, sir.
Question. And has not yet been confirmed?
Answer. He is not yet confirmed.

By the CHAIRMAN

Question. You heard Mr. Levy speaking about him?
Answer. Yes, sir; as being incompetent for the position.
Question. That is the extent of your knowledge of him?
Answer. Yes, sir.
Question. He was a member of the legislature, was he not?
Answer. Yes, sir.
Question. Are you acquainted in Lowndes County at all?
Answer. But very little. I know some persons there; it has not been in my circuit.
Question. Do you know a colored man there by the name of Edward Thompson who lived there, and who, on the 17th of November, was beaten and scourged until he was dead?
Answer. No, sir.
Question. You have never heard of that case?
Answer. No, sir. I should think you could ascertain about the matter here; there is a representative and senator here, who, I think, are very good men, and then there are two or three others here from Lowndes County.

By Mr. BAYARD:

Question. What do you suppose is the number of the bar of Chatham County?
Answer. I am inclined to think there must be fifty or seventy-five lawyers there; I do not know the number.
Question. What number of lawyers are there in Bryan County?
Answer. I hardly think there is one.
Question. What number are there in Effingham County?
Answer. I do not know the number; but very few, however—from one to four or five. There are none in Bryan, I think. It is right close to Savannah, and there is no large village or town in Bryan County.
Question. Is your Savannah bar an able body of men?
Answer. A very able body of men?
Question. Able jurists?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What is the salary of a district judge?
Answer. There is no fixed amount; it is according to population; $500 for a certain population, and so on up. My understanding is, that the salary of the district judge would be about $2,500.
Question. Would a lawyer of any character and standing at the bar in Savannah take such a judgeship for such a salary, and leave his practice?
Answer. I should think he would, for that is the salary of a judge of the superior court upon a specie basis, and I believe the other is the same.
Question. Do you believe a good lawyer in full practice in any city would take a judgeship with a salary of $2,500?
Answer. I should think a pretty fair lawyer might do so.
Question. You do not live in Savannah, or in a place the size of Savannah, and the profits of the profession in the city are greater than in the country?
Answer. I would rather have a judgeship in my circuit at $2,500 a year, than in Savannah at $3,500 or $4,000.
Question. The professional earnings in Savannah are relatively very much greater of lawyers of the same grade and abilities?
Answer. Yes, sir; but I should think you might get a very good lawyer to take the place of district judge, for he can practice in courts other than his own.

By Mr. BAYARD:

Question. You say a district judge has the privilege of practicing in other courts?
Answer. Yes, sir.
Question. So that, if he is a man of ability, he can add to his salary any sum that his talents may command?
Answer. Yes, sir.

Question. I understand you to say that there are a great many good lawyers who would be very glad to take this position at $2,500 a year?

Answer. I should think so.

Question. Do you know whether the salary of the chief justice of the State of Ohio is equal to that sum?

Answer. I do not know. My opinion is that there are a great many pretty fair lawyers in Savannah who do not make $2,500 a year by their practice.

ATLANTA, GEORGIA, *November* 2, 1871.

G. B. BURNETT sworn and examined.

By the CHAIRMAN:

Question. Please state your age, where you were born, where you now live, and what is your present occupation.

Answer. I am forty-one years old; I was born in East Tennessee, and now live in Rome, Georgia; I am a planter.

Question. How long have you lived in Georgia?

Answer. I have lived in Georgia about thirty years.

Question. Have you lived in Rome all the while?

Answer. I lived in Chattooga County about thirteen years, and in Rome for the balance of the thirty years; that would be seventeen years.

Question. Are you well acquainted in the two counties of Chattooga and Floyd?

Answer. Yes, sir; I have been pretty well acquainted there.

Question. We have had some testimony before us touching the trial and conviction of three men who were alleged by some parties to belong to what is called the Ku-Klux Klan. Do you know anything about that case? If so, tell us what you know about it.

Answer. There was a trial of that sort, and a conviction; I was not at the trial.

Question. I ask you to make your statement as well from your personal knowledge as from information which you deem reliable.

Answer. I think it was some time in February last that there were three parties arrested and tried and convicted at the February term of the superior court of Chattooga County. Their names were Epps, Kelley—well, I have forgotten the other just at present; I will think of it soon, probably. They were tried by a jury, and on the first trial were not found guilty. They were rearrested and tried the second time, when they were sentenced to imprisonment in the penitentiary for, I think, seven years; and immediately thereafter they were taken to Atlanta. They did not confine them in the jail at Summerville, from the fact that, as the solicitor general told me—and I think the judge told me so too—there had been a man taken out of the jail previous to that, who had been charged with being a Ku-Klux. They felt certain that if these men were put in there they would be released, and therefore they sent them off at once, about fifteen or twenty minutes after their conviction. This I got from the judge and the solicitor general and other parties, and I believe it to be the fact; I think there is no doubt of it. Well, two of these men are now in the penitentiary, or at work upon the railroads as convicts; and the other one is here in this city, in jail. The reason why he has not been sent to the penitentiary is, I think, that he made some revelations in regard to the Klan in that county, and the governor let him remain in jail; I think he is expected to be released by pardon.

Question. He has not been released?

Answer. No, sir; he has not been.

Question. Were those revelations made before his conviction or since?

Answer. They were made since. He made an affidavit, and I saw it and read it; I have forgotten what it was.

Question. Do I understand you to say that they were tried and acquitted by a jury at the February term?

Answer. Yes, sir; they were tried on one day and acquitted, and the next day they were rearrested.

Question. On the same charge?

Answer. No, sir; the charge was varied somewhat.

Question. We have had testimony to the effect that it is reported that those people in Chattooga were not genuine Ku-Klux, but they were false Ku-Klux; that it was a fictitious case gotten up for the purpose of securing the reward. Have you any knowledge or reliable information on that subject?

Answer. Well, they were men in disguise; their disguises are here in this city now, I presume.

Question. What had they been doing?

Answer. They had been whipping, and robbing, and stealing. I believe they did deliver up some of their plunder, a watch, and perhaps something else.

Question. State whether they were ably defended.

Answer. That is my understanding.

Question. By more than one counsel?

Answer. Yes, sir; by several.

Question. Do you know whether either of the number had been previously arrested on a charge of this sort, and had been released—had been rescued?

Answer. Well, Epps had previously been confined in the calaboose at Tryon Factory for some charge or other, I do not know what; I think he was not in disguise at the time he perpetrated the act. Anyhow, it was sufficient to put him in the calaboose. That night forty disguised men came and took him out.

Question. It has been said that a very large reward had been offered, and, in fact, had been paid; and that various parties got portions of it, and, among others, you yourself had perhaps received a thousand dollars. What have you to say on that subject?

Answer. There was an article in the Rome Commercial, a paper published in Rome, charging that I had worked up these cases here, and had received—I do not remember whether it was $1,000 or $1,500 of this money; some large sum. As soon as I could, I went there, and demanded a retraction and an explanation. The next morning the editor came out with a retraction and explanation, and exonerated me entirely, and said that the facts had been misrepresented to him, which was the case.

Question. Had you received any portion of the reward?

Answer. No, sir. I never have received any of it?

Question. Did you have anything to do with it?

Answer. Well, sir, Mr. Wyatt and Mr. Cleghorn were the gentlemen interested in the matter. The first I knew of it they met me and told me that they were here with three prisoners from Chattooga County, who had been convicted and sentenced to the penitentiary; that they were afraid to put them in jail in Chattooga County, and had brought them on here immediately, and that they claimed the reward. They asked me to see the governor and to assist them in obtaining it. Well, I knew the young men well; had been raised with them. They were not very young either, but nevertheless not so old as I am. I told them I would do all I could to help them in the matter. I investigated it, and became satisfied that they were entitled to the reward. I went to the governor, and told him who they were, the character of the men, that I had known them for years, that I had been raised with them and knew them to be gentlemen, and that I believed they came within the purview of the proclamation; and I thought he ought to pay them the reward. I think he did pay them after the papers were fixed up all right, probably the next day or the day after that. As to how they divided the money, I do not know anything about it.

Question. You knew the two men, Cleghorn and Wyatt?

Answer. I knew them well.

Question. You knew they were what you represented them to be, reliable, truthful and reputable men?

Answer. Yes, sir.

Question. I infer from what you say that this matter was afterward canvassed in your community?

Answer. Yes, sir.

Question. Did you inquire of the judge or solicitor general and others so as to inform yourself whether the case was a genuine one, within the terms of the reward, or a fictitious one?

Answer. Yes, sir. The judge wrote a letter, which I saw, and which I think is now on file in the executive office.

Question. The judge who tried the case?

Answer. Yes, sir; and I believe the solicitor general also came here.

Question. Now, to pass from that subject, what do you know of lawless violence in either or both of those two counties within the last one, two, or three years?

Answer. Well, of my own personal knowledge, I do not know a great deal; I never saw the Ku-Klux but one time; I saw them once.

Question. When, and under what circumstances?

Answer. I went to Summerville on the 11th of November; I had an appointment there on the 12th.

By Mr. BAYARD:

Question. In what year?

Answer. In 1870. I got there about 6 o'clock in the evening. A great many of my friends came into the hotel to see me, and they sat there and talked until 10 o'clock, or afterward. I went to bed; and about 12 o'clock I heard some whistles about over the town. From what I had heard, I was satisfied what it was in a moment; and I was satisfied that, in all probability, some action of that sort might be taken against me, inasmuch as I was the radical candidate for Congress. But I knew almost everbody in the county,

and if I was to be visited I did not feel afraid of anybody. They came and sent me a letter notifying me to leave; telling me I had to leave, that I could not stay, that I could not make a speech there, that I could not travel through that country. They did not offer any violence, but showed their pistols around a little, and went off. They did not come closer to me than about thirty yards; I heard them talking, and I thought I recognized some voices, but I was not certain.

By the CHAIRMAN:

Question. You saw them?

Answer. Yes, sir.

Question. By looking out of the window?

Answer. Yes, sir. They remained there and talked, I reckon, some five or ten minutes.

Question. Did you go out of the house?

Answer. I went down on the sidewalk.

Question. Did you have any conversation with any of them?

Answer. No, sir; no conversation particularly. They fired some pistols, and went off pretty soon.

Question. Did you say anything to them?

Answer. Well, I halloed out at them a time or two; I don't remember exactly what passed. There were three or four other gentlemen present there. They were talking through their trumpets and horns, so that I could not understand much of what was said.

Question. Were those men disguised, and if so, how?

Answer. They were dressed in what appeared to be a white gown, and their horses also appeared to be disguised. I could not tell exactly what their disguises were; I looked as closely as I could, too, and it was not a very dark night. I took it to be a white gown over their persons and a white sheet over their horses. According to their orders, I was to have left at 8 o'clock in the morning, but I did not get through with my business in time for that, and could not get off at that time; and so I remained.

Question. Did you make a speech there?

Answer. No, sir; I would have attempted to have made a speech there had there been a sufficient audience; I do not think I would have been deterred, although I believe I should have met with some disturbance.

Question. Did you know any of those persons?

Answer. I could not say that I do, but I think I do.

Question. Do you think they were persons living there in town?

Answer. Yes, sir.

Question. Speaking from reliable information, tell us what have been their doings in those two counties for the last two or three years.

Answer. Well, there has been a great number of outrages of one kind and another perpetrated, and they have been perpetrated probably by disguised men.

Question. What kind of outrages?

Answer. Some negroes and some whites, but principally negroes, have been whipped or killed; and they have been imposed upon otherwise in various ways. Well, it has been very common for two years, so common that it would take a right sharp case now to attract much attention.

Question. Have women been subjected to any indignities by them?

Answer. That is said to be the case; I have heard such reports, and I believe some of them to be true. I believe that these women on Poulain's plantation, below Rome—known now, I believe, as Waltemire's plantation—I think those negro women were outraged there; I do not think there is any question about that; they were treated very brutally.

Question. Did you ever talk with Colonel Waltemire about it?

Answer. Yes, sir; I have had some conversation with him about it.

Question. What were his representations?

Answer. He just said they treated them pretty badly; he was not disposed to say very much about it.

Question. Why do you think he was indisposed to speak of it?

Answer. Well, Colonel Waltemire was a colonel in the Federal Army; he is a very staunch democrat, and has acted with that party all through. My opinion is that he has really been afraid to say what he thinks; that he has been afraid to testify to the facts. He has told me that he did not want to state what he knew.

Question. Did not want to tell what he knew?

Answer. That is what he told me, that he did not want to come before this committee.

Question. Did he give the reason why?

Answer. No, sir, I do not think he did; I know we talked a little about it, but I do not think he did say what his objection was.

Question. But he did not controvert the fact that those outrages had been committed upon his place?

Answer. No, sir; O no; he said they were very badly treated by those disguised men.

Question. Do you know whether they offered any personal indignities to him?

Answer. I do not think they committed any violence upon his person; they made him dance around some, I think. Well, I did not even hear him say they did that, but I heard of it, and I reckon that is so.

Question. That would be a very great mortification to a high-minded man, would it not?

Answer. Well, yes, sir, I should think so; it would be to me.

Question. Now, for any of these offenses in those two counties, has anybody been tried and convicted, that you know of, except those three men in Chattooga County?

Answer. I think not.

Question. You have spoken of yourself as being a planter. Tell us, if you please, the extent of your operations, whether you are what we call a small planter, or one of the larger class.

Answer. Well, sir, I reckon that at the surrender I was the largest slave-holder in this State north of Atlanta; I think I was; I was so considered at any rate. I farmed on a pretty large scale; I worked about fifty or sixty hands.

Question. What has been the effect of these operations of the Ku-Klux upon the labor of your county?

Answer. Well, the effect has been that the labor that is there is very much disorganized, and a great deal of it has gone off out of the country. There is a plantation that adjoins mine that is as good land as there is in Georgia, I reckon, but there has not been a plow stuck in it this year.

Question. Has there been any attempt on the part of the planters, or, indeed, on the part of any of the prominent citizens, to break up this organization and bring the offenders to justice?

Answer. Not much, I think.

Question. Do you know of any who have tried to do it? Do you know anything of a man named Foster?

Answer. Well, he is the only one I know of. I heard Foster was going to arrest some parties in Chattooga, but I do not think he has done it; I am not certain. That is the only case I know of.

Question. Do you know whether he lives with a feeling of security, or otherwise?

Answer. I do not think he does.

Question. Do you think, in point of fact, he is secure?

Answer. Well, sir, I do not think he is secure.

Question. I understood you to observe that last fall you were, as you termed it, the radical candidate for Congress in your district?

Answer. Yes, sir.

Question. I infer, then, that in politics you are a republican?

Answer. Yes, sir.

Question. You spoke of the Commercial newspaper in Rome; there is another paper there, is there not?

Answer. The Rome Courier; yes, sir.

Question. Both of them are democratic?

Answer. Yes, sir.

Question. Have you read them along pretty regularly?

Answer. Well, occasionally.

Question. Do you know whether their course has been one of censure against these numerous acts of violence, or have they palliated or denied them, and censured the efforts made to bring the offenders to justice?

Answer. Well, sir, if they have ever done anything that looked in the direction of asking these people to do right, I have never seen it; I have never read an article of that character in either of those papers.

Question. You have spoken of a person being released under such circumstances as led the court and the solicitor general to fear that if these convicted men were placed in jail there they would also be released. Where was that?

Answer. In Summerville, Chattooga County.

Question. Who was the party released, and from whom was he taken?

Answer. He was taken from Federal soldiers.

Question. Do you recollect the circumstances?

Answer. Yes, sir, I think I remember them pretty well. I was not there, but I think I can state the facts.

Question. Please state them.

Answer. A Mr. Eckridge was caught. I am not certain whether he was tried before the superior court or not; I think not; I think he was committed to jail for having been engaged in some outrage; I have forgotten about the cases; probably there were two or three cases in which he was engaged. He remained in jail a short time only.

There was a lot of Ku-Klux, or disguised men, who came there one night, and the captain of the party went up to see Judge Kirby, who was then judge of the superior court, and who lived in the town. He told the judge that they had come there to release that prisoner, and that it was in his power to have it done without a conflict of arms.

By Mr. BAYARD:

Question. What was the date of that occurrence?

Answer. I do not recollect the exact date. Judge Kirby came down to the jail, or near the jail, in company with those men who made the demand, and saw the lieutenant or captain of the soldiers, the officer in command there, and stated the facts to him. He told him that they were represented to be about two hundred strong, and that if they got into a fight they would burn up his house; that his wife was lying there sick; and that they would probably kill him, (that is, Judge Kirby;) and that he thought finally they would burn up the jail and take the man out anyway; and that he thought that, upon the whole, they had better surrender the man. The officer agreed to investigate the strength of the Ku-Klux; and he went out and looked along the line, and counted them and came to the conclusion that it was perhaps best for him to surrender the man, and he did surrender him.

By the CHAIRMAN:

Question. How many men had he in his commmand?

Answer. I think about thirty; that is my recollection.

Question. And the man was rescued and taken away?

Answer. Yes, sir; and he has gone.

Question. He has left the country entirely?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Do you hold any office now?

Answer. I do not.

Question. Have you held any office in the State of Georgia?

Answer. Well, I was a member of the constitutional convention, and during 1870 I was general agent for the Western and Atlantic Railroad; I do not know that that can be considered an office.

Question. Hardly an office. What was the name of the judge before whom this Chattooga trial was conducted?

Answer. Robert D. Harvey.

Question. What was the name of the solicitor general who prosecuted these men?

Answer. C. D. Forsyth.

Question. You say a reward was offered, and subsequently paid, for the conviction of those three men?

Answer. Yes, sir.

Question. The men were disguised and had committed some outrage upon a colored man; that was their offense?

Answer. Yes, sir.

Question. And they were convicted of that offense before your jury, and sent to the penitentiary as you have described?

Answer. Yes, sir.

Question. What was the amount of the reward offered?

Answer. I think the reward was $5,000 for the first, and $1,000 for every other party arrested and convicted.

Question. That was a reward by Governor Bullock for Ku-Klux?

Answer. Yes, sir; or for disguised men.

Question. An unjust reflection upon you personally was published in the Rome Commercial?

Answer. Yes, sir.

Question. And upon your waiting up on the editor he made a proper retraction, upon your informing him of the truth?

Answer. After he investigated it he did.

Question. What portion of the reward was received by the solicitor general at any time?

Answer. I do not know.

Question. Do you know whether or not he was a participant in the reward?

Answer. I have no idea who participated in it, except that I believe that Cleghorn and Wyatt were the parties who claimed the reward.

Question. You do not know whether Mr. Forsyth received a portion of that money or not?

Answer. I do not.

Question. You say these parties had been indicted and tried and acquitted for this offense?

Answer. For the particular offense that was alleged in that warrant.

Question. Then they were re-arrested the day following, and tried under a bill framed in other language?

Answer. Exactly; upon other charges.

Question. Have you been a lawyer?

Answer. I am not a practicing lawyer.

Question. I will ask whether the *corpus* of the offense was the same in the two cases?

Answer. I really cannot answer that, because I do not remember what was the first charge.

Question. Were you present at either trial?

Answer. I was not.

Question. You do not know what was the character of their offense?

Answer. I do not.

Question. They were convicted?

Answer. Yes, sir.

Question. Is it in the power of your judges and officers of the law to remove prisoners from the county jails to the penitentiary for safe custody?

Answer. Do you mean is it legal?

Question. Is it the practice, under the laws of Georgia, to remove convicts from jails to the penitentiary?

Answer. Well, sir, I do not know but what it would be in a case of this kind.

Question. Those parties were removed?

Answer. They were not removed to the penitentiary at that time. They were put in jail, in another county, for safe-keeping.

Question. Is it the practice under the laws of Georgia for the detention of criminals to be directed to any adjacent county that the judges and officers of the law may see fit?

Answer. I do not know what is the particular law.

Question. In point of fact it was done in this case?

Answer. Yes, sir.

Question. And as a matter of law no objection was made to it?

Answer. Not that I know of.

Question. What was the date of the offense for which these three men were tried in Chattooga?

Answer. The date of the arrest and trial was in February last.

Question. In February, 1871?

Answer. Yes, sir. The outrages were committed along a month or two before that, as I understood.

Question. Within the year last past past?

Answer. Yes, sir.

Question. What was the date of the circumstance which you have been examined about—the release of a man named Eckridge from the custody of Federal troops?

Answer. I think that was in 1869, while General Terry was here.

Question. Under whose authority was that arrest made?

Answer. I think under the authority of General Terry.

Question. He was then in military command of Georgia?

Answer. Yes, sir.

Question. And this act occurred while the State was under his control?

Answer. That is the way I understand it.

Question. Did you say that Colonel Waltemire had told you that he had been compelled to dance by the parties who visited his house?

Answer. No, sir.

Question. Did you say that Colonel Waltemire stated to you that he had any personal injury or affront whatever offered to him on that occasion?

Answer. I did not use that language. If you will allow me to state, I will state what I said.

Question. Certainly.

Answer. I said that Colonel Waltemire stated that he had been badly treated.

Question. That he himself had been?

Answer. He did not state that personally to me.

Question. Did he state that he had any affront offered to himself or any injury done to his property?

Answer. That is the way I understood it. He said he had been badly treated. If men were to come upon my plantation and disturb my property and offer other insults, I should think I was badly treated.

Question. That is what you mean; they disturbed the laborers on his plantation, and that is what you and he consider ill treatment?

Answer. Yes, sir. I never talked much with Colonel Waltemire about it. I met him in Washington, and I met him here the other day.

Question. He has been in Atlanta lately, has he not?

Answer. He was here about two weeks ago, along when the fair began.

Question. Do you say that, in your belief, Colonel Waltemire has a sense of personal insecurity where he now lives?

Answer. I think he is afraid to live on the plantation; I know he has left there.

Question. Do you believe that he left there for any other reason than his personal ill health?

Answer. Well, you want my opinion?

Question. Your knowledge or opinion.

Answer. My opinion is that he did not feel comfortable to live on that place. He is a stout man, and I do not know that his health is considered bad.

Question. That is your opinion, from his information to you?

Answer. From my knowledge of the man; I have known him for some time.

Question. Is that from his expression of opinion to you?

Answer. Not from him altogether, but from other circumstances that surround the case. He did not state to me flat and square out that it was so, but I know some circumstances surrounding him, and I do not think he feels comfortable to live there. I could not, in his case, and I do not think he intends to try it. Let me state this: I am giving you my opinion. It is my opinion that Colonel Waltemire, so far as he is individually concerned, could live on that place; but I think he is satisfied in his own mind that he could not live there and take free labor, or colored labor, without being insulted and imposed upon. Therefore he would rather abandon it than undertake it. I do not think he would be afraid of being injured personally.

Question. Do you derive that opinion from conversation with himself?

Answer. Well, yes; I get it a great deal from him; I have not talked with him a great deal, but sometimes a little means a heap. I have heard others talk. Colonel Waltemire has been peculiarly situated; I think he does not feel as free and easy, having been in the Federal Army, as if he had been a southerner. It is natural for our people, and even some republicans, to have rather a bitter feeling towards a northern man who has been in the Federal Army, or towards a southern man who has been in the Federal Army.

Question. In the opinion of the respectable portion of your community, without regard to their party obligations, are these lawless outrages of which you have spoken regarded with disfavor, or otherwise?

Answer. Well, sir, I think that there are many good citizens in that country who do not approve of these things; many of them, both republicans and democrats; I think there are some democrats who do not approve of them; but I believe that they are afraid to express their opinions, and come out and say, "Gentlemen, this thing must be stopped, and you have got to quit it."

Question. You think the sentiments of all the respectable men of your county is in opposition to it?

Answer. No, sir, I do not think that. I think there are some respectable men in that county that belong to these organizations; that is my understanding, and I have reason to suspect that such is the case.

Question. Does it rise to the grade of knowledge, or does it linger in suspicion merely, in regard to the membership of individuals.

Answer. Well, I judge from circumstances, and what I have heard others say. Instances have come to my knowledge that there are men who are considered generally respectable men, have always been so considered in the county, that have pampered to these men; and I think some of them have really belonged to the organization.

Question. Have you any personal knowledge whatever of the organization?

Answer. No, sir, I have no personal knowledge of the organization.

Question. Have you any knowledge personally of the organization?

Answer. No, sir; I can say that I have not.

Question. Then is what you have said in respect to it your suspicion and inference?

Answer. Yes, my suspicion; that is what I mean. I suspect, and my suspicions are so strong that I believe I am not incorrect.

Question. You believe your suspicions are justified?

Answer. Yes, sir; I do not know it to be the fact.

Question. Have you any knowledge whatever of the numerical extent of this Klan or organization?

Answer. No, sir, I have not.

By the CHAIRMAN:

Question. Have there been any acts of lawlessness upon your own plantation?

Answer. No, sir; there have not been.

Question. What is the feeling in respect to making provision for these colored people to have schools or churches of their own?

Answer. Well, I do not know that I am sufficiently posted to give an opinion, hardly, upon that. I know but one school.

Question. Where is that?

Answer. In my own neighborhood; I mean a colored school. Some of the colored

people in my neighborhood came to me and asked me if I would allow them to build a school-house or church on my plantation, naming the place, about a mile from my house, near a spring. I told them I had myself no objection to it, provided it was satisfactory to the neighbors; that they could see the parties, and if they were willing, I would let them have the ground and the wood to build the church, where they could have a place of worship and a school if they wanted to. They did so, and I believe they have gotten along tolerably well.

Question. Has it been a matter of reproach by any one that they are allowed to have their school and their church there?

Answer. Well, yes, there have been some remarks made around about it, but I do not consider them to amount to anything; it has not been condemned by the people in the neighborhood, as a general thing.

By Mr. BAYARD:

Question. You ran for Congress in that district?

Answer. Yes, sir.

Question. Who was your competitor?

Answer. General Young.

Question. You ran in this district?

Answer. Yes, sir.

Question. Upon the republican ticket?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You were asked about the offense for which those men were convicted in Chattooga County, and you say that you understood they had been committing a series of depredations previous to their arrest and trial?

Answer. I have understood so, and I have no doubt about it.

Question. Do you know how they happened to get hold of them?

Answer. I can state what Mr. Wyatt said to me; he was the man who arrested them.

Question. What was it?

Answer. Mr. Wyatt said he had information of their existence for some time, but he was not going to pay any attention to them so long as they let him alone; but they came on his place and ran off some of his negroes. I think they broke open a smoke-house and took out some meat, and committed acts of that kind until he could stand it no longer. He then went to Summerville, where the court was in session, and reported them, and they went out a night or two thereafter and caught them; took them right in and tried them.

Question. Were they caught in disguise?

Answer. Yes, sir.

Question. How many were there in the crowd?

Answer. Only three; and they caught all three of them; that is the way I understood it.

ATLANTA, GEORGIA, *November* 2, 1871.

ELI BARNES (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I am about thirty-six years old; I was born in Hancock County, Georgia; and I now live there.

Question. Have you any people in your county that they call Ku-Klux?

Answer. Well, sir; I think there are some.

Question. What makes you think so?

Answer. I have been molested by them myself in 1869.

Question. In what way?

Answer. I believe it was in October, the middle or last of October, that they came to my house.

Question. How many of them?

Answer. I could not exactly recollect the number; in fact, I could not count them; there were some ten or fifteen.

Question. Was it in the day-time or at night?

Answer. In the night.

Question. Were they riding or walking, and were they disguised or not?

Answer. There was a meeting in church there that night, and my wife waked me and told me that somebody was walking around the house. I had an old musket, and I

took it and came out to see what it was. I had received a great many threats by notes of paper, with marks of coffins on them, and notices to leave within twenty-four hours. I expected that it was something of that sort. I got up and took my old musket and went to the door, and there I saw some person with a gown on; I could hear the rattle of it, like a woman's garment. I was somewhat frightened, and did not know what to do. I ran out and started to shoot, and they somewhat made away from me. I had a dog, and it looked like it was baying somebody. After they went from my house I went through where another gentleman had planted a little cotton, and got down in the cotton, and crawled down to the public road where my wagon-shop was, and in the road there stood a great many persons with long gowns on; I did not know whether they were men or women.

Question. How many were there?

Answer. I think there were about ten or fifteen; it looked like a right smart crowd of them as I lay there and watched them. I was afraid to shoot; I knew I could do it, but I did not know that I would be safe to do it, and so I would not shoot. I was pretty much frightened anyway. There was a church about a hundred yards off, and I went back and went into the church and lay down under the pulpit and dodged them in that way, as I had been dodging for a month or two.

Question. Was your house or your family molested?

Answer. They came around my house; molested me in that way.

Question. Was anything said?

Answer. They were mumbling.

Question. Did they call you?

Answer. They did not call my name at all; they only came around my house. I was expecting some such thing. I had been standing very fair with the people generally; I had had no difficulty with any person whatever until I got into politics. I was the republican candidate there for member of the legislature.

Question. You had been nominated before this occurred?

Answer. Yes, sir.

Question. You were a candidate for the legislature?

Answer. Yes, sir, I was.

Question. What was the character of your election in Hancock County?

Answer. Well, just before the election came off Mr. Linton Stephens, a man that I had always been living close to, suggested that the bill we passed in our legislature was not constitutional, and he said that if a man did not pay his tax he could not vote. A day or two before the election I went to the sheriff of Hancock, Mr. Rogers, and he concurred with me in what I suggested to him. My suggestion was this: that there would be a riot there, and I wished for him to take some steps to preserve the peace. I did not want to see people molested and killed up there on the streets. I told him that if he would write a note to the governor, I would run the risk and bring it myself. He wrote a note for me to the governor, expressing his fear that such things would happen, and I came up myself to see the governor about it. The next day I went back home. The train did not make connection, and I did not get home until the next day at half past 12. When I got there I saw all the colored men standing at the depot, and I asked them what was matter. They said they could not vote.

Question. That was the day of the election?

Answer. Yes, sir. I said, "What's the matter anyhow?" One of them said, "Mr. Stephens says I cannot vote here without paying my tax; now you preached the doctrine to us that I could vote without paying the tax." I said, "That was according to the bill we passed in the legislature." They said, "Well, Mr. Stephens says we cannot vote." I said, "Did Mr. Stephens tell you that?" I was in the car when they told me that; I had not got out. Said I, "Look here, what are you going to do?" They said, "We want to vote." I said, "If you feel that it is your right to vote—what has become of the managers?" They said, "The managers have been arrested." I said, "How many?" They said, "Three of them." Said I, "Which ones?" They said, "Mr. Gonder, Mr. Ridley Mosely, and Mr. Adolphus Morris." They were our republican managers. I said, "Do you feel disposed to give your votes to any one else?" One of them said, "No, I don't want to do it." He also said, "If we go on the street we will be killed." I said, "Why do you say that?" He said, "They have got guns all on the street; they came out this morning whooping and hollering and saying they would kill the very last one of us." I said, "You must vote." They said, "Do you say that we must go back there and vote at the risk of our lives?" I said, "Well, I leave it to you; I know they are not right, but I will leave it with you." Then I said, "I believe I will not get out." They said, "No, they are bound to kill you; you take this railroad and a parcel of us will go with you." I said, "All right." I went up the railroad with about ten or fifteen boys who went with me to protect me. I got up to Mr. Harrison's house, where there was a crowd, and there I found pretty much all of the colored voters of the county standing, at a loss; they did not know what to do. They wanted to vote, but were afeared to go to town. I said, "What is the matter?" They said, "If we go to town we will be killed." I said,

"Have you seen any signs of that?" They said, "Yes, they have got guns on the street, and are waiting for us." I said, "I don't know what to do; I think some steps should be taken." I sat down and wrote a note to Mr. Rogers, and informed him that I had been to see the governor, and he had told me that Mr. Rogers had power to keep good order at elections, and I asked him to please let me know what he intended to do. Mr. Rogers wrote back to me that he was going according to law. I made no further application to him. About that time the United States deputy marshal came there and saw the people standing there at Mr. Harrison's, my colleague, and asked what was the matter. They said, "We cannot vote." Harrison said, "Boys, if you all think you will be killed, I advise you not to go back, because there is danger there; they pointed their guns down from the upper stories of their houses there at you, and I think it is dangerous for any of you to go down there." I had nothing more to do with it; I left it to legal-minded gentlemen to do whatever they thought was right. If they would not recognize our citizenship, why, of course, I had just to back down and have nothing more to do with it so far as the election was concerned.

Question. How many republican votes were polled?

Answer. The managers told me that we were about eighty or one hundred ahead at the time they were arrested; but how many of the republican votes were cast I cannot tell.

Question. You say the voters of the county were out in the neighborhood of Harrison's. When you found that you could not be allowed to vote in town, why did you not organize a polling-place there, and take the votes and have them certified and returned?

Answer. They had our managers in jail.

Question. Why did you not appoint managers of your own?

Answer. We did not know whether it would be legal or not; we were somewhat demoralized about it.

Question. You could have put the votes in and returned them and made known the facts, and let the people who had the decision to make decide whether they were legal or not?

Answer. That would have been a very good plan, but we did not know it. We wanted our votes polled at the court-house, as the law which we had passed required. We wanted to go according to law as near as we could.

Question. You were not allowed to do that?

Answer. No, sir, we were not allowed to do it. White men came in that morning with a wagon-load of guns right by us; we did not know what there was in the wagon until they got to town. They said they intended to take possession of the polls that day, so I was told. I saw a great many men have guns there that day, and I know a great many colored men of my town have bought guns since then which were loaded; they were in such a hurry that they just loaded them with grains of coffee or spice and things of that sort, some of them.

Question. They found them loaded when they bought them?

Answer. Yes, sir. Some of them fired them off, and they kicked and shot them almost to pieces.

Question. You were speaking of bands of disguised men; have you reliable information of any of their misdeeds?

Answer. O, yes, sir; there is a gentleman in my county now, but he is to-day afraid to come here. I had information here from some person; I had a note last Thursday week to go forthwith and fetch all the witnesses I could get.

Question. Why was he afraid?

Answer. He did not believe he would be safe to come here and go back.

Question. What could he tell if he came here?

Answer. Claxton Andrews could tell us what he saw with his own eyes.

Question. What did he see?

Answer. He saw a man named Jerry Long killed; he was shot dead in his shirt-tail; he was taken right from his bed where he was with his wife. Andrews followed the men until he saw them go into their houses.

Question. How many did he recognize?

Answer. Two of them—Dudley and Johnson; there were a crowd of them.

Question. How many others have been killed?

Answer. Will Culver—I do not know what name he registered by—was killed there; old man Jerry Long was killed there close by him. As to talking about boys knocking down and going around whipping, that is a common thing among them.

Question. Have there been many whipped?

Answer. Yes, sir, I have seen scores of them myself where they had been shot, not killed; some driven into the swamps; I do not know the parties who did it.

Question. Has anybody been tried and punished for this work by them?

Answer. Not at all; we have had it up before the court, and it seems like it makes a mistrial every time; they do not fetch anybody to justice at all there.

By Mr. BAYARD:

Question. Are you in the legislature now?

Answer. No, sir.
Question. Were you ever there?
Answer. Yes, sir.
Question. You were in the legislature elected two years ago?
Answer. Yes, sir.
Question. What other office did you ever hold?
Answer. No other office. I have been a prominent citizen in my county, and much thought of by white and colored; I have stood pretty fair as a mechanic, and I stood pretty fair with the people generally until I struck into politics on the republican side.
Question. Could you read and write when you were elected to the legislature?
Answer. I could a little.
Question. Can you write and read writing?
Answer. Some; I can read any plain writing. I have not been at school; I have not had any chance, only what I picked up by the fireside, by light-wood knots. My old master in slavery times took a great deal of pains with me, and wished to give me a little information, so far as his interest was concerned, and I was dutiful in that as in anything else.
Question. You think you can read writing if it is very plain?
Answer. Yes, sir.
Question. Can you write yourself?
Answer. I can write a common letter.
Question. An ordinary letter?
Answer. Yes, sir.
Question. What was the white and colored vote in your county?
Answer. In the first election I think I beat the man who ran against me some seven or eight hundred votes; I got the highest votes in that county except for sheriff and tax collector and receiver.
Question. How many votes did you get?
Answer. I am not able to tell; I know I got the colored votes.
Question. How many white men do you suppose voted for you in that county?
Answer. I am not able to say; I do not believe there were more than two or three.
Question. What were your managers?
Answer. Three whites and two colored.
Question. And what managers did they arrest?
Answer. Two colored men and one white man; they were the republican managers.
Question. They were arrested upon a warrant?
Answer. It seemed like it was a warrant.
Question. Were you present at the time?
Answer. I was not present, but I came there before they got out of jail.
Question. Do you know what bail was demanded of them?
Answer. I think it was $2,000 apiece.
Question. Why did they not give it?
Answer. They were not able.
Question. Did they wish to give it?
Answer. Some of our party went around and asked them if they wanted to come out, and they said they did; I believe at last some democratic people of the county stood their bond.
Question. Their political opponents?
Answer. Yes, sir.
Question. Did you know then that the constitution of the State of Georgia required as a qualification for a legal voter that he should have paid his poll-tax for the year previous?
Answer. It did in one clause, but I believe the legislature had power to suspend the tax for a certain time.
Question. Did you believe the legislature had power by law to alter the qualifications for voting required by the constitution?
Answer. Of course, if they had power to suspend the tax they had the right.
Question. I ask you candidly for your reasons; that is your opinion about it?
Answer. That is my opinion.
Question. That the legislature had a right to alter the qualifications of an elector?
Answer. Yes, sir, in that way. I voted for the bill myself with that understanding.
Question. With the understanding that you had the power?
Answer. Yes, sir.
Question. Did you go on the election ground that day?
Answer. I did not get to town until about half past 12.
Question. You did not go to the polls that day?
Answer. I did not.
Question. You saw nothing of what occurred?
Answer. I only saw the people, and heard what they told me; that they were all afraid to go back to town.

Question. How far were you from the polls?
Answer. About three-quarters of a mile.
Question. You did not yourself see what went on there?
Answer. I did not see it; but I know when I arrived on the cars there were parties who came right into the car to molest me.
Question. Did they molest you?
Answer. They did not molest me; they were afraid to do it. I had been to Augusta for a bundle of tickets, and they said, "Here he is, boys."
Question. And your people protected you?
Answer. Yes, sir.
Question. Have you been molested since?
Answer. I have not, but I have had several warnings and threats.
Question. When you spoke of people loading their guns with coffee and spice, what men did you refer to?
Answer. I meant the guns that were bought out of the stores there afterward.
Question. That the colored men bought?
Answer. Yes, sir; they went in afterward and bought guns, and when they would run their ramrods down they would seem like they were loaded, and they would take out the loads and pick out coffee, buck-shot, &c.
Question. They found these things in the guns they purchased?
Answer. Yes, sir.
Question. Did they load them again?
Answer. Not unless they wanted to go hunting.
Question. How many were bought by your people on that day?
Answer. None at all; they bought them afterward.
Question. They found them filled with spice, &c.?
Answer. I recollect two or three in that condition.
Question. With coffee, spice, &c.?
Answer. With anything they had in the store; it seemed as if they had loaded them with anything they had in the store in a great hurry.
Question. You said Jerry Long was killed?
Answer. Yes, sir.
Question. Was a bill of indictment found by the grand jury in that case?
Answer. Yes, sir.
Question. Who was indicted for that?
Answer. A man by the name of Dudley and a man by the name of Johnson.
Question. Has more than one been indicted for his murder?
Answer. I do not know how many; I know those two people were indicted.
Question. When were they indicted?
Answer. I think it was some time last year.
Question. When was Long killed?
Answer. While we were in the legislature, along in June or July somewhere.
Question. You were not at home at that time?
Answer. No, sir. The men arrived here, and the governor and I paid their fare to town. I took them to the governor myself, and they had an interview with him.
Question. That was in 1870?
Answer. Yes, sir.
Question. General Terry was here at that time?
Answer. Yes, sir.
Question. Who gave you information to come back here and bring all the witnesses you could get?
Answer. I understood that there was a committee here, and I got notice from some of my friends around here. I wanted to do what I could for my people, as a down-trodden people, men who want to do right. They are men who do not wish to do any harm, and never have done any harm.
Question. The word to you was to come here and bring all the witnesses you could get?
Answer. Yes, sir.
Question. How many did you bring?
Answer. I did not bring any one, because they were afraid to come.
Question. You came yourself?
Answer. Yes, sir.

By the CHAIRMAN:

Question. How many of your people do you suppose have been whipped in your county by the Ku-Klux?
Answer. I could not exactly estimate; but it has got to be a common thing in the county of Hancock, please your honor, to hear a man say, "They rode around my house last night, and they played the mischief there; my wife was molested; my daughter was badly treated, and they played the wild generally with my family."

Question. As I understood you, the inference was that these guns were loaded to be used on the day of election?
Answer. Yes, sir.
Question. And they did not take out the loads before they sold them?
Answer. No, sir.

By Mr. BAYARD:

Question. You do not know when these guns were loaded?
Answer. I believe so; some of them were bought a few days afterward. The people saw the necessity of arming themselves, and they bought them.
Question. How do you know when they were loaded?
Answer. I do not know; that is my opinion, and it is the opinion of every colored man in the county.
Question. Did you see any man load them?
Answer. No, sir, but I can fetch men here who did see them load them.

By the CHAIRMAN:

Question. You speak from information that you believe to be reliable?
Answer. Yes, sir, men of truth, perfectly reliable men; but they are afeared to come here.
Question. Do you think if witnesses were to come here and testify what they knew of the Ku-Klux operations, giving names and places, they would be safe at home if it was known there.
Answer. I do not.
Question. Is that the feeling of the people?
Answer. Yes, sir, and I have the same feeling myself now right here.

ATLANTA, GEORGIA, *November* 2, 1871.

WILLIAM F. WRIGHT sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will therefore commence his examination.

By Mr. BAYARD:

Question. You are a judge of what court and of what district?
Answer. Of the superior court of the Tallapoosa circuit. They are called circuits in this State instead of districts.
Question. What counties are embraced within your jurisdiction?
Answer. Douglass, Campbell, Carroll, Coweta, Heard, Troup, Meriwether, and Fayette.
Question. How long have you occupied this position?
Answer. Since the 6th day of March last.
Question. You were appointed to this office by Governor Bullock?
Answer. I was.
Question. There has been a witness examined before this committee—a colored man named Columbus Jeter, and also his wife—respecting a very aggravated outrage committed upon him by a band of disguised men some time in the course of the present year. He has stated that the examination of the parties charged was had before you. I will ask you to state to this committee whether you remember that case; and if so, what occurred in the course of the examination.
Answer. I was appointed on the 6th day of March last. I was holding the spring term of the superior court of Campbell County, and while at that court I received a letter from Governor Bullock inclosing the affidavit of Columbus Jeter and his wife, stating that they had been taken out, or, rather, seized upon, by parties in disguise, and that Jeter had been badly abused and shot, and that other violence had been done to him, and that indignities had been offered to his wife; that he had applied to the civil authorities there, and they had refused to grant him a warrant. The governor asked me to charge the grand jury of Douglass County, in which the crime was alleged to have been committed, especially as to that offense. I wrote to Governor Bullock immediately that there had been no jury drawn on account of its being a new county made by the legislature, and that there would be no court there; but that if he would send to me I would issue a warrant and have the parties brought before me, and that I would have an investigation of the affair; that I knew that the people of the county were opposed to such things, and that I was, and would lend all the power of my office to suppress them and put them down. He sent Jeter before me, and he made an affidavit, and I issued a warrant and placed it in the hands of the sheriff; and, though the crime was committed in the county of Douglass, I had them brought before me at the Camp-

bell court, and then I took bonds for them to appear before me the next Monday at Newnan, the place of my residence, and they were brought before me. However, in the mean time I wrote Governor Bullock to send Attorney General Farrow down to prosecute the case, and I also suggested to him to employ Mr. Douglass, an efficient young lawyer of my town, to assist Attorney General Farrow, in order to have a fair investigation. Jeter came before me, and I ascertained from his testimony that he had been taken out by some parties; that he had been badly abused; and that he had been shot. The parties whom he caused to be arrested were before me; their names I do not now remember.

Question. How many were there?

Answer. I think there were four; Doctor McClarty was one, and a man by the name of Morris was another. Attorney General Farrow introduced Jeter and his wife, and they testified as to the facts and as to the parties, and they identified Doctor McClarty as one of the parties. The attorney general, after having received the testimony of Jeter and his wife, closed the case before me. These other parties then offered their witnesses. It was agreed that under our statute they should all be put upon their trial together, and in Georgia they are allowed to give evidence for each other. They were introduced for each other. Well, without repeating their testimony, unless you desire me to do it, I will say that I decided I could not hold them, because they had proven an *alibi*. Doctor McClarty proved that he had come from what is called in this country a log-rolling, happened to pass by there, and that a gentleman, whose name I do not remember, fell in company with him, and went to his house, and they had their suppers. The neighbor who had been to the log-rolling lay down upon a couch and went to sleep. Doctor McClarty testified that he read awhile, and then retired, and about the time he got soundly asleep, Mr. Freeman, a neighbor living within about a mile or a mile and a half of there, hallooed at his gate. McClarty was a practising physician, and responded to the call, coming out in his night-clothes. Mr. Freeman testified that as he got over the fence he heard guns fired in the direction of Jeter's house, and heard screaming, and that Doctor McClarty came to the door immediately in his night-clothes, and went with him and staid with his child for two hours. Jeter might have identified them by name, or might have given it as his opinion that all those persons were there. Those persons each accounted for the others in a very natural way, to my mind. One accounted for himself in this way: He said that a neighbor had called at his house as he returned from the log-rolling, for the purpose of dunning him for some money, and staid with him during the night. There was but one room in the cabin, and when they heard the screaming at night the wife of one of the parties accused called his attention to it, and he got up; and this other party heard the same noise. I do not remember distinctly the balance of the testimony now.

Question. It was the same in character?

Answer. Yes, sir. After the case was closed, Mr. Attorney General Farrow and Mr. Douglass, who assisted him, proposed to submit it to the decision of the court without an argument. I decided that their whereabouts had been fully accounted for, and that upon the evidence I could not bind them over, admitting at the same time that violence had been done by some one because it had been clearly proven, and I could see for myself that it had been done; that some persons had abused Jeter, and had certainly shot him. That which was done to his wife I knew nothing about; it was said that they exposed her person, and did some acts of violence to her, perhaps caught her by the hair; but those persons were not sufficiently identified before me so that I could bind them over.

Question. The evidence convinced you that there had been a mistake as to their identity?

Answer. That was so; there was no doubt about the violence having been committed.

Question. And you were compelled to discharge those persons at that time?

Answer. O, yes, sir, under my oath.

Question. The attorney general was present all the time, as was his assistant?

Answer. Yes, sir.

Question. Did they concur with you?

Answer. After I had delivered my decision, and we had walked over to the hotel, the attorney general said he did not see that I could have done otherwise.

Question. Did you make any remark to Jeter at that time, in connection with his wound, after you had discharged those parties from custody; did you make any remark to Jeter about his wound, or how he got hurt?

Answer. I do not remember to have spoken to him at all; I do not think I did, from the fact that it was about sundown when I discharged the parties.

Question. Did you say to him in these words, or the substance of them, that he must have hurt his shoulder going up the chimney?

Answer. I know I never used such words, from the fact that I believed he was really shot. I could not in reason have used those words.

Question. I make this statement to you because Jeter testified before this committee

hat you did make a remark to him, after you had made the order discharging those arties, that you felt sorry for him, or something of that sort, but that he must have urt his shoulder going up the chimney.

Answer. No, sir; I never made any such remark, from the fact that I believed all he while that Jeter had been abused, and that he had been actually shot. The only lifficulty about it with me was identifying the parties. I was anxious to get hold of hem, and if I knew where they were, I would to-day issue a warrant for their arrest.

Question. After that time did Jeter come before you, or make any attempt to have ther persons arrested?

Answer. No, sir; he did not. I was walking the street some few days after that, nd some colored man bowed very politely to me, and seemed very glad to see me. Ie came up and I saw it was Jeter.

Question. Where was that; here?

Answer. Yes, sir; about two weeks afterward. At the time I delivered my opinion gave a reason for Jeter's conduct. I was conversing this morning with an attorney who was present, and he said I gave a reason for his conduct, and gave an excuse for is having mistaken the parties; that he had had a difficulty with one of the parties, nd it was very natural for him to conclude that it was done for a motive, and that e therefore really thought and believed those were the parties; that he might have een mistaken, and that as they had proven an *alibi*, it was, to my mind, most likely hat he was mistaken. While I did not attribute perjury to Jeter, and thought he elieved in good faith they were the parties, having had a difficulty with one of them, e could not ascribe any motive for the assault except on account of that difficulty. The party he had a difficulty with, I remember distinctly, proved that he was fourteen iles from there that night with a school-teacher; that they slept together that night. Ie was a minister of the Gospel who so testified. The landlord or proprietor of the ouse where the minister boarded also testified that they went to bed at about 10 'clock, and were awakened the next morning. This teacher and minister testified hat they went off together about 10 o'clock, and after conversing for some time they lept together all night. That was the one with whom Jeter had had the previous ersonal difficulty; that *alibi* was clearly established. I remarked in my decision that e might have procured this thing to be done, but that there was no evidence of it at ll.

Question. Did you subsequently charge the grand jury upon the subject of this outage?

Answer. I held a court there about three weeks ago, and I charged them against awless bodies, against crimes generally. I gave them as severe a charge as I ever ave a grand jury in my life.

Question. Did you especially refer to this class of cases?

Answer. I referred especially to lawless bodies, and called attention to these cases. did not call attention to this particular case, from the fact that one or two of these ersons resided in the county of Paulding, beyond my jurisdiction. At one time I was bout to dismiss the case, when it was testified that the crime had been committed in aulding, because it was out of my jurisdiction. But the counsel waived the question f jurisdiction, and afterward it was proved that it was committed in the county of ouglass.

Question. I understood you to say that the governor was particularly requested by ou to send the attorney general down there and to employ efficient counsel for the urpose of having justice done this colored man for the wrong he had suffered?

Answer. Yes, sir.

Question. And the attorney general and the counsel so employed concurred in the istice of your decision in the case, and that you yourself are satisfied as a judge that though the man had been cruelly used, he was mistaken as to the identity of the arty?

Answer. As I said, after the case had been concluded, the attorney general walked ith me to the hotel, and told me that I could not have done otherwise; he expressed imself perfectly satisfied with my decision. I told him I was anxious, and I am now, get hold of them, or any other body of men who violate the law, especially those yled Ku-Klux; I would like to get hold of them, and I would punish them to the exnt of the law.

Question. Is the sentiment of the people of your district, and of the inhabitants genrally, hostile to such lawlessness as has occurred in the cases of Jeter and others?

Answer. It is, so far as I can ascertain public sentiment; and I insist that I have good opportunity to do so. There have been many cases tried before me, of colored eople, since I have been upon the bench. I will state that seven-tenths of the crime -and it is remarkable, too, and I have so said when I have passed sentence upon olored men for crime—either resulted from their ignorance of law, or from their want f moral training, or perhaps from their recently having emerged from a state of bondge, and not understanding their obligations; perhaps their want of education. I do ot know to what to attribute it, but it seemed to me it was to be regretted. On my

dockets it will be seen that seven-tenths of the crimes are confined to them. Many homicides and assaults with intent to murder have been committed by them against one another, springing out of their various transactions. A very frequent cause of disturbance between them is their domestic relations, the relations they sustain to each other. I would say that their conduct is to be excused on account of their having been raised in a state of bondage and ignorance.

Question. Have you, in your personal experience, lately known any cases of these lawless practices by these colored men upon each other; have you lately had any instance of that kind brought to your knowledge?

Answer. Well, two or three night ago—and I do not attribute it to any wrong desire; it might have sprung up from an idea that it was right to do it—I met some six or eight, perhaps a dozen—I do not remember how many now—colored men, as I was going to the depot, who had another one tied with a rope around his neck, and his arms tied behind him. I walked up to where they were; one or two white men were present, who had heard the hue and cry after him. They said, "Here's the judge; now let's try him." I ascertained that they had a negro man tied, and that they accused him of having stolen the rations of another laborer on the railroad, two or three miles from town, and that he had stolen the coat of another. They had pursued him to town, had captured him, and had him tied, and were going to take him to the woods and whip him. He remarked to me that they said they were going to do what they wanted to do, and afterward throw him in the creek. For a minute or so, knowing their nature, I did not think but what it was a joke. But upon reflection I told them that they had no right without warrant or authority to so take him; that they had no right to take the law into their own hands. It occurred to me then, without thinking that it would ever occur to me again, "This is what is called Ku-Kluxism." And I made this remark to them: "You are every one Ku-Klux; you will get into difficulty; you must turn him loose; it is my business to attend to such things as this; there are officers in town, and you can get a warrant." I called the man up to me and said that I would release him; and I took my knife and cut the cords with which he was bound. The marshal and the sheriff happened to come by, and I said, "Here are the sheriff and the marshal; but as it is not a felony you have no right to arrest him without warrant or authority; you go before a magistrate and get a warrant; I cannot issue it now for I am going off; but this is a country of law and order, and you must remember it; you will every one get into difficulty if you persist in this thing." I said this to them: "If this thing had occurred; if white men had taken one of your race out and tied him, and were carrying him to the woods, it would be called Ku-Kluxism; you are doing the same thing and you are likewise guilty of Ku-Kluxism. If you don't want to be obnoxious to that charge, you must release him." And I released him myself. One of them went up to the marshal and brought him down, but the marshal said that as it occurred outside of the corporate limits he had no warrant. I then instructed them how to get a warrant; I informed them, more in jest than otherwise, though I intended to impress them with it, that I did not think they had any idea of being Ku-Klux, but the effect of their acts was what was called in many instances Ku-Kluxism.

Question. What time in the night was that?

Answer. About 8 or 9 o'clock at night.

Question. They were going to take him to the woods and whip him?

Answer. He told me so himself.

Question. What did he say they were going to do with him?

Answer. He said that they said after they got through with him they were going to throw him into the creek.

Question. That they were going to kill him?

Answer. Further than that this deponent saith not; I do not know.

Question. Have you had in your court civil suits in which white and black men were parties?

Answer. I do not remember a civil suit between a white man and a colored man before me; I do not now remember any.

Question. Have you had any question of damages or any question growing out of contracts?

Answer. I do not now remember any case.

Question. Have you had any criminal suits brought before you of white men who had injured colored men?

Answer. Yes, sir.

Question. Have you had any in which conviction resulted?

Answer. I do not remember now that there has been any white man indicted before me for injury inflicted upon a colored man. The first case of an assault with attempt to murder which I had before me, and that at the first court I attempted to hold, was where a colored man had inflicted a dangerous and serious injury, and it was thought at one time a fatal stab, upon a white man. The white man had him indicted for assault and attempt to murder; but it was proven that the white man had first assaulted the black man with a stake with which he had been surveying his land for

ditches. I charged the jury that if the party was to be convicted of an assault with attempt to murder, it must have been under such circumstances as, had death resulted, it would have been murder. If this had been done without time to reflect, and death had ensued, it would not have been murder, and therefore they could not convict him. The jury acquitted him. I remember I had a letter which was written to Governor Bullock by a prominent republican saying that I had charged the jury very fairly, and the colored man had full justice done him, as I took a great deal of pains to tell the jury that they should not regard his previous condition of servitude, or his race, or his color; that he ought to have been acquitted, for it was in self-defense.

Question. You believe that in that way colored men are safe before the law in person and in property?

Answer. Well, sir, a man in my court will have a fair and impartial trial, and the sentiment of the country is in favor of it. I can give an instance: A white man was found dead within the corporate limits of my town; his name was Medaris. A couple of colored men by the names of Ector and Stevens had been seen to go into a piece of woods with him on a Saturday, about 8 or 9 o'clock. A couple of little colored girls who were wandering in the swamp heard a voice saying, "Let me up, and I will pay you." They then heard a voice reply, "Well, you might have done that at first," with an oath. They then went up to the house, and soon after Ector and Stevens were seen coming up. They said that a man was seen running from that direction with a double-barreled shot-gun upon his shoulder, and they called for water, and then went away. The next morning those parties admitted that they had gambled there with this white man, that they had won his watch, and that he had given it up to them, and that they had gone away in one direction and he in another. He was found within fifty yards of the place dead, without any breaking of the skin. The doctor testified that it might have been done with a double-barreled gun or any round instrument like a stick; his neck was unjointed. These men were taken up, and all this proof was made against them; they were both acquitted. The colored people gathered in quite a crowd at the court, and it was remarked that it need no longer be said they could not get justice. I will state this much, that perhaps within my circuit there has been more pains taken to see that they should have a fair trial than probably in any other circuit. I can only speak for my circuit. While I was at the bar I defended a great many of them, sometimes with fees, sometimes without fee.

Question. Before you were upon the bench you practiced law over this same circuit?

Answer. Yes, sir.

Question. For how long?

Answer. For fifteen years.

Question. I will, therefore, ask you whether your experience was extensive before you went upon the bench?

Answer. O, yes, sir. Since freedom came out, to use the language of the colored people, I have defended a great many of them. I think this is about it, that the sympathies of the people were with them. I have seen them arrested and arraigned for crime when public opinion seemed to be almost intolerable against them; but by proper management and an exhibition of the facts of the case, I have seen it entirely changed.

Question. You say that while you were practicing at the bar you frequently acted as counsel for defending colored men?

Answer. Yes, sir; as frequently, perhaps, or more so, than any other attorney.

Question. During that period did you find that you would acquit a colored man as easily as a white man, in the general course of your practice?

Answer. It became a common remark that it seemed that juries perhaps leaned toward them. It is my experience that there were very few convictions of colored men.

Question. Who is the solicitor general of the circuit where Jeter was hurt?

Answer. William A. Adams; he is in this city.

Question. How was he appointed?

Answer. By Governor Bullock.

Question. He is now the solicitor general?

Answer. Yes, sir.

Question. And was at that time?

Answer. Yes, sir.

Question. Superintending the preparation of business for the grand jury?

Answer. He did not then, because his health was bad, and I appointed a solicitor general *pro tem* at the Douglass superior court.

Question. He resides in that circuit still?

Answer. He resides in the county of Meriwether, not in the county of Douglass.

By the CHAIRMAN:

Question. It is proper that I should say to you that my recollection of Jeter's testimony does not correspond with that of Senator Bayard. But I will not make a point

on that. Did not both Jeter and his wife identify those persons as people they were well acquainted with?

Answer. According to my recollection, Jeter's wife did not identify them more than as to their appearance and voice. Jeter stated that, so far as Doctor McClarty was concerned, he looked up under his mask and saw his face; and he made use of about this expression, that "it was Doctor McClarty, 'fore God it was; I knew him."

Question. Was it not very singular that both of those people should be mistaken in all those cases?

Answer. Well, it was a matter of official judgment and opinion with me, acting under oath. From all the circumstances, I thought it likely that they could be mistaken, as they testified they were very greatly frightened, and the parties were disguised. It was more probable that those witnesses who had no interest in the case, and who proved the *alibi* for these parties, were correct, than it was that Jeter and his wife might have been correct.

Question. Is it not a part of the history of this Ku-Klux organization that proving *alibis* is one of their schemes to get clear; is not that the history of the order?

Answer. This is the only case that has come before me; I know of no case having been tried. I can only speak as I would speak of any other thing transpiring in the country. I think, as a general rule, from what I can learn, that it has frequently been the case that persons have been accused of participating in this lawlessness who had proved *alibis*.

Question. Exactly; it has been so in North Calolina, South Carolina, and everywhere through the South, has it not?

Answer. Well, sir, I am not familiar with Ku-Kluxism in North Carolina or South Carolina.

Question. You have not taken pains to inform yourself?

Answer. I have not, because it does not exist in my country. I think there is lawlessness in my country, and men very frequently have taken the law into their own hands, without being connected with such an organization.

Question. You say that such an organization does not exist there?

Answer. I do not believe it does, from all the information I can get.

Question. What is the information upon which you predicate that opinion?

Answer. It is because, in my judgment, knowing the sentiment of the people to be opposed to it, that if there was such an organization, we would see the effect of their conduct. With the exception of one case, the lawlessness that has been perpetrated in our county has been accounted for, and it is not connected with any organized body of Ku-Klux.

Question. You have heard of no negroes being taken out and whipped, and no white man being whipped, and no Ku-Klux letters being sent, and nothing of that kind?

Answer. O, yes; two or three years ago I think I saw copies of such letters published in the papers here. Those things are frequent in this country; pictures of coffins and mysterious words were to be seen. But what they meant, whether they were serious or indicated anything, I could not tell. I have had no knowledge of any such organization. It was thought to be the result of mischievous boys. There might have been Ku-Klux organizations, but my judgment is that I had as good an opportunity of knowing as any one not connected with it. There might have been secret organizations, but I do not think it likely, from the fact that if there was such a secret organization, the effect of their action never was made public, because all the crime of the country has been accounted for otherwise.

Question. With what political party have you been acting?

Answer. Originally I was an old line whig; I was a Bell and Everett elector for this State; I was opposed to secession; never believed it was an American remedy; do not think so to-day, and never looked upon it as anything but a revolutionary and not a constitutional right. When the State seceded I was with my State. I was first loyal to the General Government, next loyal to the confederate government. When the wave of rebellion subsided, my loyalty to the Government under which I live is on this idea: that it is the duty of the citizen to render obedience to the Government. I am now united with the democratic party; I am so classed, trusting that I am a conservative man in my sentiments, believing that the people of the North and the South never intended to change the theory of this Government, and not believing that the northern men mean to change it to-day.

Question. From all of which I am to understand that you are acting with the democratic party?

Answer. Of course; I was the democratic candidate for Congress last fall in the district in which I live.

Question. Against Mr. Bigby?

Answer. Yes, sir.

Question. And being a democrat, and prominent in the democratic party, you think if there was such an organization you would be likely to have known it?

Answer. I said nothing about prominence in the democratic party.

Question. Is not a man who was a candidate for Congress a prominent man in his party?

Answer. That is a matter of opinion. I say this: I am a man who mixes a great deal with people of all classes, and I am a confidential man with my friends. If anybody wanted to do anything of that sort, as I am a practicing attorney, they might sometimes retain me. The opportunities I have of knowing honestly convince me that there is no such organization in my country.

Question. You think if there had been such an organization they would have let you know it?

Answer. I think so; not because they would have expected me to take part in it, but simply because if there was such an organization somebody would have perhaps mentioned it to me, as they would have mentioned the Union League if I had not been a member, or something of that sort, with a view to get me to join it, probably.

Question. Did anybody ever suggest to you that he would like to have you join some organization of that kind?

Answer. No one ever did anything of that sort. There was a suggestion made to me once that a certain colored man who was obnoxious should be put out of the way. I stated that the party who did it would be guilty of crime.

Question. Who was the negro?

Answer. I do not know that I am bound to give the name; it was a secret intimation.

Question. Who was the party who spoke to you about it?

Answer. He was not a Ku-Klux. I do not know that I am bound to give his name. It was a mere remark.

By Mr. BAYARD:

Question. Was the colored man ever disturbed?

Answer. No, sir.

By the CHAIRMAN:

Question. You have said that these Ku-Klux acts have been disapproved by the people. Look at this copy of the Daily Constitution, of this city, of October 25, 1871, and read a couple of articles that are there, and see if they express the opinions generally of people of the democratic party in this State.

[The articles are as follows:

"KU-KLUXISM.—That there have been acts of violence in the Southern States, the southern people have never attempted to deny, but, admitting the fact, asserted truly that there were acts of violence throughout the North also. Crime always exists to a greater extent after the conclusion of war, which has given rein to the passions, and demoralizes the people; but we have always maintained that crime was not more prevalent at the South than at the North, and actual statistics will prove it. The people of the South generally believe that no Ku-Klux organization existed, showing that, if it did exist, it was confined to a very limited number. There seems to be evidence that some such organization has existed, but the acts charged to it have been enormously exaggerated in number and violence. No people condemn violence more heartily than the people of the South, and none are more determined to maintain order than they, as the Constitution has again and again asserted. It is not against efforts to ferret out violators of law that we protest, but it is against the unconstitutional interference of the General Government with the newly domestic concerns of States. We protest against the ignoring of the rights of States by the appointment of congressional committees to investigate matters over which the States have sole control. Against this destruction of States and centralizing of power in the Federal Government we shall continue to protest so long as we have the *form* of republican institutions."

"USELESS THE FIRST AND MARTIAL LAW.—But for the adage that 'Truth is stranger than fiction,' everything about this Ku-Klux business would be incredible.

"In the first place, the Ku-Klux bill is styled 'An act to enforce the provisions of the fourteenth amendment of the Constitution of the United States,' &c.

"The provision of the fourteenth amendment which is attempted to be enforced by this bill is the latter clause of the first section, which reads as follows:

"'No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.'

"It is hard to realize that a President of the United States would dare to issue such a proclamation as he did on the 17th of this month.

"It is almost incredible that he would have the barefacedness to issue such a proclamation, filled as it is with patent falsehood and uttered with malice; for how otherwise could he have the boldness to declare, in the face of the civilized world, that a rebellion actually exists and is rampant in his dominions, so great and powerful as to make it necessary for him to use the Army and Navy of the Government to suppress it; and

winding up with the following remarkable paragraph, which he will hand down to his successors in the empire as the proper *formula* for destroying all opposition to despotic power:

"'Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States and the act of Congress aforesaid, do hereby declare that, in my judgment, the public safety especially requires that the privilege of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and do hereby suspend the privilege of the writ of *habeas corpus* within the counties of Spartanburgh, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in said State of South Carolina, in respect to all persons arrested by the marshal of the United States for the said district of South Carolina, or by any of his deputies, or by any military officer of the United States, or by any soldier or citizen acting under the orders of said marshal, deputy, or such military officer, within any one of said counties, charged with any violation of the acts of Congress aforesaid, during the continuance of such rebellion.'

"But the most incredible of all is that an Anglo-Saxon, liberty-loving race should regard with apparent indifference the issuance of such a proclamation in a time of profound peace, when, in the good old days, it would have aroused the wildest indignation throughout the land. There is scarcely a crowned head in Europe who, under similar circumstances, would have dared to issue it. But the deed is done. Will the people of the Northern States never realize the dangers of that political dogma, 'We must have a strong government?'

"Washington and Jefferson sleep quietly in their graves. But we fain hope that their memories are not yet buried, but live in the hearts of the American people. Still shall we cling to our faith in republican institutions, though unscrupulous hands are cutting away the very pillars of the temple. It is not against the putting down of Ku-Kluxism that we raise a voice. The southern people have the will and power to put down all violence and punish all law-breakers. It is the riding over States and rights once sacred as liberty itself. Mahomet imagined he saw an angel in the seventh heaven having seventy thousand heads, and every head seventy thousand tongues, and every tongue seventy thousand voices, and every voice capable of speaking as loud as seventy thousand thunders. Would that the angel of freedom could invoke such power and wake the echoes of the land, rousing the people to a realization of the yawning gulf into which a military despotism is about to hurl them."]

Answer. I think they are the sentiments of the man who penned them; that is all I think about it. There are some opinions there to which anybody would subscribe; that is, that the South desires to put down lawlessness and to have law and order reign. As to the indignation that at former times would have been created, it is quite likely it would have been the case; but the reason ceasing, the law ceases.

Question. You think that tone of censure is about the feeling of the community, so far as you know?

Answer. I do not think so, for I think, from the conversations I have had with our citizens, and from the political sentiments I myself entertain, it does not speak the tone of the community.

Question. In what respect?

Answer. I do not think that the people contemplate that if General Grant were to issue his proclamation, even in regard to Georgia or other States south, they would do anything but quietly submit to it. They might protest against it, but they would say nothing more.

Question. I had reference to the expressions there of disapproval of Ku-Klux in both articles; is that about the feeling of disapprobation that the people entertain?

Answer. Disapproval of their acts and of the result?

Question. Yes.

Answer. I believe, as religiously as I ever believed anything in my life, that, with the exception of lawless men that can be found in all countries, who would perhaps act for purposes of private revenge, men not confined to either political party, this country is as free of it as any other country circumstanced as this is, and that there is no such thing as a political organization known as the Ku-Klux Klan. I believe that as religiously as I ever believed anything in my life. I believe, also, that seven-tenths—I will go further and say nine-tenths—of the people of this country are opposed to it. Taking into consideration the recent war between the two sections, and the bitterness engendered by it, I believe that if the spirit and the temper of the times could pass away there would be nothing of it at all, and the feuds of our sires would be forgotten by their sons.

Question. That is all very well. Now, with reference to your solicitor-general, Mr. Adams, what is his politics?

Answer. He was appointed, as I understood, as a democrat, by Governor Bullock; he is a man regarded as having hardly any politics at all.

Question. Then, as I understand, Governor Bullock in his appointments has not confined them to those of his own party?

Answer. He appointed me with the full knowledge that I was a democrat, and so stated to me.

Question. Now, with this feeling of nine-tenths of your people against Ku-Klux violence and outrage, is it not strange that men are taken out of their beds, white men and black men, and women and children also, and scourged and beaten most cruelly, not only in one county, but in a great many counties of this State, and in a great many instances, and, with perhaps one or two exceptions, not one has ever been brought to justice?

Answer. Well, sir, I do not know of the existence of any such case within my personal knowledge.

Question I asked you if it was not strange that such a state of things should exist.

Answer. If you want my opinion upon a supposed state of facts, I can give it to you. I do not think it is strange if we consider it as the natural consequence of the war. It is wrong, and should be suppressed by every good citizen, and, in my judgment, those who do these things are those who are not interested in the peace of society, but are generally desperadoes, not responsible to any political party, generally bad members of society; and if they do it at all, they evade the law by doing it under cover of night, and it does not meet with the approval of anybody. In my judgment, the instances are not as numerous as reported. Rumor has a thousand tongues, and nine hundred and nine-nine of them are said to be false.

Question. Well, if such a state of things exists as you have mentioned, and the courts of the country are powerless to punish persons for committing those offenses, as they seem to have been in the cases of Jeter and others, is it not time that somebody interposed to protect the people?

Answer. The courts of the country are not powerless. If you will bring the parties before them and identify them with proof sufficient to convict, they will be convicted.

Question. Undoubtedly.

Answer. And the courts of the country are as efficient as any other means, or any other tribunal, or any other arrangement would be for the purpose of punishing these offenders.

Question. Do you believe that if two or three white radicals were to organize a company of twenty-five or thirty negroes and go about whipping white democrats and their wives, it would be one week before they would be hunted down and exterminated?

Answer. I do not believe it would be one day, if they could be overtaken.

Question. Exactly. Do you think they would be overtaken?

Answer. Let me understand your question, and then I will answer it. I do believe that if they could be overtaken in one day. and they would be overtaken, they would be sure to be brought before the courts of the country, though some desperadoes might propose to retaliate upon them with violence. I say again, on the other hand, that no such body has ever dared, in this country, since the war, to go about publicly and do such a thing as that, or even privately, with the knowledge of the authorities of this country, within my experience and observation and practice.

Question. I do not speak of their going around publicly but clandestinely. Can you understand why it is that companies of democrats, led by democrats, can go through the community scourging republicans, black and white, and their wives and their children, and, with the exceptions that I have spoken of, there has not been a single instance, that we can learn, where one of them has been brought to trial and sentenced?

Answer. Certainly I cannot, for I have no evidence that any such thing has occurred as a company of democrats doing any such thing; I have no evidence of any such thing; I know of no such case.

Question. You have seen within the last two or three days a notice in the papers of a riot in California against the Chinese, and that the grand jury was convened, and the rioters were at once indicted and arrested?

Answer. I saw that.

Question. Has there been any such effort in Georgia, to your knowledge, to bring these offenders to trial?

Answer. Not a single warrant have I known to be refused to any one who made application for it, nor have I known a single grand jury to refuse to bring in an indictment in a case where they had the evidence.

Question. You say that in the case of Jeter a great and cruel outrage was perpetrated upon him and his wife?

Answer. Yes, sir.

Question. He lived there, surrounded by neighbors?

Answer. Yes, sir.

Question. He was taken off quite a distance and cruelly shot, and men heard the guns fired?

Answer. Yes, sir.

Question. Why was not the hue and cry raised to pursue the offenders?

Answer. The reason given upon the trial was, that the people were frequently hunt-

ing and firing guns at night, and they did not know what had happened. It was in a sparsely settled country; our country is not a densely settled country. The reason why I cannot tell; but it seems to me Jeter had the courts open to him, and I told him, and so stated to every one connected with it, that I was ready and anxious at all times to issue a warrant; and that if the parties could be convicted, I would sentence them to the last day in the penitentiary.

Question. I understood you to say in your testimony that a witness came before you and said he heard a gun fired, and then he heard screams.

Answer. He did.

Question. Is it not perfectly amazing that people hearing such things in the night should not go and see what it meant?

Answer. I think not, because he said he was after a physician to visit a sick child. I may be mistaken in saying that he heard a gun fired, and the screaming.

Question. Is not the difficulty more in the general state of public feeling, in the carelessness and indifference of the people to the sufferings of these folks, than in the courts?

Answer. Well, sir, I cannot tell as to that. I can only say this, that since I have had to do with the administration of justice, I have urged upon grand juries, and they have introduced it in their general presentments, that I called upon them to ferret out crime, and that I would co-operate with them, and that, so far as I am concerned, every effort has been made to apprehend offenders. I have said a great deal more in public and in private, in my intercourse with men and society, officially and privately, than I have said here. I have said a great deal that would warrant them in believing that I was strongly opposed to them, as I am. As to the public sentiment, I cannot, upon a supposed state of facts, say that this country would for one moment indulge lawlessness, or permit bodies of armed men to go about for any purpose, and interfere with anybody.

By Mr. LANSING:

Question. Do you believe that the men who inflicted this outrage upon Jeter were part of an organized band?

Answer. I do not. From the evidence that was before me I do not, and the circumstances surrounding it.

Question. The testimony was that they were disguised?

Answer. Yes, sir.

Question. And they were acting together?

Answer. Yes, sir.

Question. You think three or four were testified to by Jeter?

Answer. Yes, sir.

Question. The grand jury do not indict unless complaint is made before them?

Answer. They can indict by special presentment, but they must have witnesses.

Question. You do not take cognizance and jurisdiction of cases not brought before you by parties?

Answer. This case of Jeter is the only case of a court of inquiry that has taken place in my circuit, save one, by a judge of the superior court, in fifteen years. These prosecutions are commenced before a justice of the peace; the parties are arrested and bonds given.

Question. I meant to draw out the common fact that the courts of justice do not take jurisdiction of cases, either civil or criminal, that are not brought before them.

Answer. There would be no trials before my court without an indictment by the grand jury. Witnesses must testify to the facts, and then the grand jury could find a bill.

Question. If a citizen living in that neighborhood, or if Jeter himself, had hit upon the right man or men who actually inflicted this outrage, would he have been assisted in a prosecution to the end against them?

Answer. He would, because I heard but one sentiment, in the county of Douglas or the county of Coweta. I trust they will get hold of the right men, and, if these are not the right men, that they will search until they can get hold of them.

Question. On the other hand, would there not have been danger that men thus pursuing the real offenders, if they had arrested them, would themselves have been in jeopardy?

Answer. I do not think so. It is in a community where there is but little lawlessness; they are simple people in every sense, and they are quiet. It is mostly a Dutch neighborhood.

By the CHAIRMAN:

Question. Was there any talk made about prosecuting Jeter for perjury in his testimony before you?

Answer. I do not recollect now.

Question. Do you recollect whether, after his trial was over, you spoke to any one of Jeter having injured himself in going up the chimney?

Answer. I think not; I know I did not at all in connection with the case, because I remarked that I believed Jeter was shot. I did not see his wounds, but I did not think he would come up and swear he was shot if he had not been, and I said, in my opinion, that he was an injured man, that I sympathized with him, and would like to get hold of the right parties.

Question. Did you make any jocular remarks to any one as you came away?

Answer. I might have done so; I sometimes joke, but not any remark of that sort; I know I never made it to Jeter in connection with the case at all. I can state this, and I state it upon my oath before God, that never did I do any act, or discharge any duty, public or private, with a more earnest desire to apprehend the offenders and make them a public example.

Question. Is Haralson County or Polk County in your district?

Answer. No, sir.

Question. Do you know anything of the state of things in those counties?

Answer. I do not. I have heard of some difficulties in Haralson County, but I do not think I have ever been there but once in my life.

Question. Have you heard of any difficulties in Wilkinson County?

Answer. I have heard it only as having transpired before this Ku-Klux committee, as they call it.

Question. You never heard it before?

Answer. No, sir

Question. Did you ever hear of any difficulties in Warren County?

Answer. Yes, sir; I have heard of collisions and difficulties in Warren County, and that the military had been sent there. The most information I ever had in that way was from a colored man here this morning, who told me he was shot in Warren County.

Question. Did you ever hear of any difficulties in Greene County?

Answer. Not that I know of.

Question. Did you ever hear of any in Jefferson?

Answer. I think I heard of a difficulty there, something about releasing prisoners from jail, or putting them in jail; probably it transpired in the newspapers at the time.

Question. Did you ever hear of a company of disguised men going there and taking prisoners out of jail, killing one, and cutting the ears off of seven others?

Answer. Where was that?

Question. Did you ever hear of it anywhere in the State?

Answer. It strikes me that was connected with the Jefferson County affair; I am not sure. It was a newspaper rumor; I could only know it as others would.

Question. Did you ever hear of their taking several men off the train at Dearing and putting them to death?

Answer. No, sir.

Question. Did you ever hear of the killing of Doctor Ayre?

Answer. Yes, sir.

Question. Did you hear of the killing of Mr. Adkins?

Answer. Yes, sir.

Question. Did you hear of the killing of Mr. Ashburn?

Answer. I did. I was in the city of Columbus the night he was killed; I was in the hotel at the time it was done.

Question. Do you know anything about it?

Answer. Nothing at all.

Question. At what time of the night was it done?

Answer. I was informed that it was done at about 1 o'clock. I was conversing with a colored man a half an hour before that, who was waiting upon me, and he was telling me of a speech Ashburn made that night; that he knew him when he was an overseer, and knew him to be a cruel man. The next morning the waiter who came to my room told me that Ashburn was dead.

Question. Did you ever hear of the shooting of a negro by the name of Turner, who had been elected to the legislature, and who was shot by his defeated opponent?

Answer. No, sir; I do not think I have; or, if so, I have forgotten it.

Question. It was in the town of Eatonton, in the county of Putnam.

Answer. I heard of a negro being killed in Putnam County, near the town of Eatonton, but I had not heard that he was a member of the legislature, and I do not remember that I heard who killed him.

Question. It made very little impression upon you?

Answer. No, not more than a homicide that would occur in the State of Tennessee, or in any other place at a distance. I cannot recollect this instance any more than you would, unless your nerves are more easily disturbed than mine.

Question. Did you ever hear of the killing of a colored man by the name of John Walthall?

Answer. Not by name. I can only say this, that, as the newspapers state, homicides have been frequent North and South, and I have often thought, as this article says,

that they seemed to be more frequent at the North than at the South. But I have attributed that to the greater amount of population there.

Question. Have you looked at the census returns that give the number of homicides that have been committed in the States?

Answer. I saw it stated that one hundred and sixteen homicides had been committed in the State of Georgia. I thought it a very large number, more than I had ever heard of; it surprised me. I could not imagine any reason for it, unless it was the demoralization consequent upon the war.

Question. Have you looked over the list of homicides reported from the several States?

Answer. I believe I did.

Question. Do you say there was an equal number of homicides in the Northern States in proportion to those in Georgia?

Answer. I think the list I saw gave a greater number to the Southern States, and perhaps Georgia was either the first or second in the list.

Question. Have you ever known any white man in Georgia to be punished by death for murder since the war?

Answer. Do you mean to be hanged?

Question. Yes, to be hanged.

Answer. I do not remember; I have seen no execution myself.

Question. Have you ever known, in your life, a white man to be hanged for killing a colored man?

Answer. I do not remember.

Question. You were born in the State of Georgia?

Answer. I was trying to recollect to know if I had known such an instance. I have known but few men hung for homicide in Georgia at all since the war, and it was a rare occurrence before the war. Our code has a law on homicide. It provides that it must be with malice, either express or implied, and the jury must be convinced beyond a reasonable doubt before they can convict, otherwise they bring in a verdict of manslaughter. Convictions for manslaughter are very frequent.

Question. Is not that the common law, that homicide with malice, express or implied, is murder, and without malice is manslaughter?

Answer. O, yes. Our code is that murder is the unlawful killing of a human being with malice aforethought, either express or implied. It is but declaratory of the common law, with a slight modification.

Question. You say that since the war convictions for manslaughter have been common?

Answer. That is my observation; it has got to be a common remark that homicides are very frequent, and there have been many convictions for manslaughter. I will state another thing in justice, and I do it candidly, I do it uninfluenced by any feeling political, moral, social, or otherwise; that, taking into consideration the number of criminal trials for homicides, as between the two races, the ratio of acquittals of the colored race is equal to that of the white race; and that, in all those trials where I have been engaged in any way, juries have been impartial, and have done as full justice to the one race as to the other. Under our code, with the decisions of the supreme court, which allows a party to testify under certain circumstances, where there have been previous threats and repeated quarrels, with occasional acts of violence, the tenth section of our code permitting juries to determine whether or not a homicide is justifiable, it is exceedingly difficult to convict a party of murder; but that is, upon the whole, quite immaterial. Convictions for manslaughter are frequent.

Question. It has been very difficult to convict of whipping when it has been done by disguised parties?

Answer. I have never seen a case tried, and I do not know of a case having been tried within the State, not to my knowledge.

Question. What can you suppose was the motive of this cruel treatment of Jeter?

Answer. I cannot define the motive, unless it was a prejudice against him, perhaps, for some act of his. I am frank to state that some white people in this country are as ignorant as the negroes themselves. Men's imaginations are often but the subterfuge of their prejudices. I can only guess at the motive. It might have been because his wife was said to be a school-mistress. There were a few negroes there, and these people might have thought that she wielded a bad influence. Jeter's own conduct might have brought about this treatment; not that his conduct merited it or justified them in their act. But if you know men, (and I know you do,) you know that ignorant men have strong prejudices; they take counsel not of their honest, prudent, judgment, but of their prejudices and passions. That is not confined to one locality more than another. Oftentimes it acts, and acts indiscreetly and unjustifiably. A reason was assigned, but I do not know that it was made manifest or apparent in the evidence. The reason assigned why Jeter thought he was assaulted was that he had had a difficulty with one of the parties. He had arrested a man by the name of Morris, who clearly proved an *alibi*. I can only imagine this: Those people were ignorant; Jeter and his wife were equally intelligent with some of them. It might have been

envy, or prejudice against the race or color or previous condition of servitude. I do not pretend to say that every man in this country is free from passion or prejudice.

Question. I will ask you further whether you do not think the ultimate object of the attack was to drive him out of the county?

Answer. I cannot tell you whether it was or not; I will not say. Ordinarily, people do not want to drive the colored people out of the community; they want them there for laborers. And, indeed, in those counties off the railroad the negroes have mostly left, and the people cannot get laborers; and, consequently, their lands lie uncultivated. I know that soon after the war, when persons were removing negroes to Louisiana and Mississippi and Arkansas, there was often talk of legislation to prevent it.

Question. How was it proposed to prevent it?

Answer. I do not know. People talked about if we could pass laws perhaps we could prevent it.

Question. Prevent it forcibly?

Answer. Pass laws to do it if they could. It was only talked of as a matter of theory, not contemplated seriously; it was talked of like a great many things.

Question. Do they like to have school-teachers teaching the colored children through the country?

Answer. Who, the white folks?

Question. Yes.

Answer. I cannot tell you; it is a new thing to the people of this country. The negro has been uneducated, unfortunately for us and for him now, and ever has been, in my judgment. As I stated a while ago, these people are ignorant and prejudiced, and, in my judgment, they did not know what was for their interest. In my honest opinion they were prejudiced against negro schools, and they did not want the negro educated, and they thought there was a bad class of people that came among them and taught them theories, social and moral, that did not promote the peace and harmony of the country. They were apprehensive that these northern people, carpet-baggers and the like, as they call them, who came into the country would instill what they believed to be bad ideas into the heads of the negroes.

Question. What bad ideas?

Answer. I will talk more deliberately, so that I can do myself justice upon the conclusions I draw from the state of facts. As soon as the war was ended, there came into this country a great many strangers. We thought we were friends to the colored people; but while we did not believe in making them socially our equals, and the people of this country were exceedingly opposed to the negroes having political rights—I mean the right to vote and to hold office—while we were willing to give them their civil rights—that is, protect them in their person and property—we were not even willing that they should sit upon a jury; we were willing that he should sue and be sued, and all those things. Those were the prejudices of the country, and, in my judgment, they were natural. The war ended and the slaves were set free. From having been slaves, subject to the will of a master as their supreme law and rule, they were unaccustomed to and unprepared for their sudden elevation to equality in every sense of the word. Hence, there was a prejudice against them in that respect. The people honestly believed that if you gave them the power to sit upon juries, the right to hold office, and the right to vote, it would result in the ruin of the country; they felt it would be injurious to society. Indeed, they felt it would result in the loss of their own liberty; they did not believe it compatible with their ideas of liberty to incorporate into their system the negro as a citizen, and give him full political rights. They believed that those teachers who came here came for the purpose not of teaching them the rudiments of learning, or moral and social ideas for their own good or for the good of the people, but they thought they were political missionaries who came here to instill into them radical ideas, if you will allow me the expression, and to build up a party at the South for the purpose of extending the power of the republican party over the country in order to get control of the government. Those are the ideas they had; and they believed them strongly and firmly. They honestly believed it would ruin the country, and that every material interest would suffer by it. They actually did believe it, and a great many believe it still. From that cause they were prejudiced against those men, not as teachers of learning, because in my town, in the town in which I live, there has been a very flourishing school. I went to one of the examinations, and I was invited by the Bureau agent to make a speech. I did not do it, because the arrangement was such that I did not have time. I have made speeches to the colored people, and told them that I was in favor of their education. The people are now in favor of it; we had to be educated up to such things, as the North must be educated down to some things, that is, to believe that there is no Ku-Klux order, that we are not in favor of another revolution, &c. I just make these allusions on account of the state of affairs, as being the consequence and concomitant of the freedom of the negro and of the state of the country after the war.

Question. Your people did not believe that their own liberties were compatible with conceding equal political and civil rights to the negro?

Answer. They believed it would be incorporating a bad citizenship into the government, like you and I did, I reckon, Mr. Chairman, when we used to oppose foreigners here; I believe we were both know-nothings.

Question. You can speak for yourself; I was not.

Answer. We were old-line whigs; and I believe the most of them used to be know-nothings, or what was called Americans in politics; I did not go into the order.

Question. I understood you to say that it appeared in the evidence that at the time Jeter and his wife were attacked her clothing was stripped up over her head and her person exposed?

Answer. I did not say it appeared so before me, but I said that was the allegation made by Jeter. I think the paper filed with me alleged that.

Question. What did she say?

Answer. I only speak from memory, and will not vouch for the accuracy of all I do say. My recollection, though, was that the affidavit and testimony given in did not correspond as to that.

Question. You do not recollect what she said about that?

Answer. No; my impression is that the evidence as it was given in upon the trial did not reveal the fact that her person was exposed, but the affidavit sent me by Governor Bullock did.

Question. I asked that question with the view of asking another; whether you thought that lust was a moving passion in leading these people to treat them in this way?

Answer. Well, sir, you do not understand the character of our people or you would not ask that question. Of course it was not; I do not suppose they went there for any such purpose. I will be frank with you: I do not think that our people—I do not know that I have ever known of a body of men going in gangs in that way to perpetrate such crimes as that. I do not think our people have been guilty of any such thing. The conquest of such people is generally so easy that it does not require any resort to violence, for there is very little virtue in them. I do not say this thing through any unkindness toward them, but I know myself too much of slavery and its degrading effect upon them. It is to be regretted that, in the condition in which slavery placed them, they were not in a condition to appreciate the jewel of virtue. Woman is the casket in which the jewel of virtue is deposited, and the only safe depositary of it.

Question. How do you think it has been since their emancipation, as between them and the white race; do you think there has been less or more incontinence?

Answer. A great deal less miscegenation I am very frank to confess that; and it is for the reason that now a white man who begets a child by a colored woman is indictable for bastardy, and also for seduction.

By Mr. BAYARD:

Question. You had a very long newspaper article read to you, or rather it was handed you to read; did you ever read that article before?

Answer. I think I have; I remember I did not approve of those sentiments. There are sentiments there that are axioms, maxims.

Question. I only wanted to know whether you had seen the article before, or whether you had it in your mind.

Answer. I did not when it was handed to me, but I recognized it.

Question. I understood you to say that in this case of Jeter there were especial and particular pains taken by you to discover and bring to justice the parties who injured him, such as you had not known taken before in the State for a great number of years?

Answer. I will state this, that before I opened the case for investigation, I distinctly announced that I would investigate the case fairly; that I would exorcise every other spirit from the hall of justice except that which should enter into a just administration of the laws. I said, "This is the temple of justice, and I intend to administer it." I then said distinctly, as Colonel Farrow was known to be a republican and Mr. Buchanan and Mr. Lester were democrats, that I would not permit the slightest allusion to politics; that I would immediately suppress anything of the kind; that they should look to the case as before us, and to its investigation; that when I ascended the judicial office I laid aside my politics, and acted but as the *judex*. It had been the custom in this country for grand juries to make political presentments, and I was the first judge that suppressed it, and would not allow them to attack Governor Bullock on account of his financial policy, but told them that if they did it again I would hold them for contempt. I did not permit an allusion to politics at all. It was a custom of the grand juries to act as they believed, and, as I told them, to talk about everything else in the world but their business.

Question. I understand you to say that you have no knowledge of any such secret political organization as the chairman of the committee has described to you, who go about whipping and injuring people at night?

Answer. I have no knowledge of any such organization. I believe that when done it *has been* by lawless, unauthorized individuals, self-constituted.

Question. What is your feeling, when the chairman of this committee, having first ascertained that you are a member of the democratic party, designates these lawless bands, these criminals, these disguised men going about and committing crimes, as democrats led by democrats?

Answer. My feeling was that there existed no such organization.

Question. Did you regard it as a matter of insult to you that this stigma should be put upon your party here, and that these men should be named as democrats? If you did not, I did.

Answer. I have this much to say about that: I was upon the stand as a witness; I expected to be treated with respect, and to answer respectfully. I did not presume, or for one moment think, that there was any intention upon the part of any member of the committee to introduce politics into this examination. I thought the sole object was to investigate and search for truth, and that the truth was the *desideratum.* I did not, at that time, think much about it; but afterward I felt it was due to me to reply to that by saying, as I now say, that to my knowledge there is no such organization as democrats in the country. I do not believe it is confined to one party. If I was to speak from rumor, and the most direct information I could get, I should say that I have understood that in the county of Chattooga they have captured some Ku-Klux who were Union men. It was stated that three of those parties who were brought before me were in the Federal Army; but there was no proof of that fact before me. I have this to say, that the assumption of the chairman of this committee, that those people are democrats, was unwarranted by anything I have said. There is nothing in my testimony that would authorize him to make such a statement, and I know of no fact in the country that would authorize him to state that democrats, more than any other class of citizens, are going about in this way. I have no knowledge of a democrat or a republican belonging to any such organization. My opinion is that in those counties where there are more complaints about Ku-Klux, there may be fewer negroes and more Union men. I speak that honestly. In the counties where the greatest complaint is, the white population is more divided upon the question of republicanism and democracy. And so far as my knowledge extends, the complaint originates from the negroes as to Ku-Kluxism. There have been some such complaints as between white men, but, in my opinion, the cases that arise with the negroes are founded, to a great extent, in alarm. Some are produced by causes that the negroes themselves do not reveal. I was informed by a gentleman to-day that he understood a negro had been before this committee who was castrated. He says the information coming to him is that it was done by the negroes themselves, because he violated the chastity of his wife's daughter. This information was given me to-day by Doctor Parsons, formerly a representative in the Georgia legislature.

By Mr. LANSING:

Question. We have had several theories of that case, but this is entirely new.

Answer. As I have said, rumor has a thousand tongues, and nine hundred and ninety-nine of them are false. You know that rumor is very unreliable, and when men take counsel of their fears, and make their imaginations the subject of their prejudices, there is very little reliance in what they say. I think a committee of this sort should go upon facts, unless you want to hear presumptive evidence.

By Mr. BAYARD:

Question. There was one gentleman who was said to be identified by Jeter and his wife, Doctor McClarty?

Answer. Yes, sir.

Question. Do you know what that gentleman's politics is reputed to be?

Answer. It was reputed to be republican, but I learned afterward that that was not so. It was said that three of the four or five were republicans in politics. They might have all been democrats; I have no knowledge about that; I do not know what their politics were. But I understood at first that they were republicans; afterward I understood that they were divided; that some were democrats and some republicans.

Question. At any rate, you discharged them because there was no evidence against them?

Answer. I discharged them for this reason: I gave the greatest credit to the testimony of those witnesses who, in my judgment, had the best opportunity of knowing and the least inducement to perjury, who were in a condition of mind and surrounded by circumstances better calculated to enable them to make up a correct judgment of what did actually take place and transpire. It was upon the ground that the *alibi* of each one was so satisfactorily and clearly proven to my mind that if I had held them over I would have done violence to my conscience, and, in my judgment, would have violated the law. And in that opinion the attorney general and the aiding prosecuting officer concurred most heartily and freely and fully.

By the CHAIRMAN:

Question. You have been asked something in reference to a question of mine that

was said to be insulting. I will put another question, and I do it upon testimony not your own, but upon previous testimony taken here. I will ask your opinion, as a judge and as a citizen of this State, whether, if a company of democrats, led by democrats, themselves and their horses disguised, were to start out through the country at night, whipping and otherwise maltreating republicans, black and white, in your opinion would not the democratic party be able to pursue them and put them down, if so inclined?

Answer. Do you ask my opinion?

Question. Yes.

Answer. I believe every good citizen would do it, and I believe that nine-tenths of them are good citizens; and if such things should come to my hearing, as a magistrate and a judge, I would issue a warrant on my own authority, and I would warn officers to arrest them, and they would be arrested, and they would be tried, because we understand in this country that the more of lawlessness there is the worse it is for us.

Question. And you are satisfied that they could do it?

Answer. Yes; and they would as a community, if the knowledge came to the community.

By Mr. BAYARD:

Question. It is an offensive thing in the ears of democrats in Georgia to have the existence and the presence of these disguised bands, these lawless, disgraceful bands, charged upon their party?

Answer. It is; we consider it a libel upon us as a party and as a people; we are not responsible for it as a party, and do not uphold it as a party.

ATLANTA, GEORGIA, *November* 3, 1871.

LINTON STEPHENS sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will please begin his examination.

By Mr. BAYARD:

Question. You were summoned here at my suggestion to explain and answer in some respects some testimony given here yesterday, I think, by one William H. Harrison, a colored man, from Sparta. You are a native of Georgia?

Answer. Yes, sir.

Question. Where do you now reside?

Answer. In Sparta, Hancock County.

Question. What is your profession?

Answer. I am a lawyer, and I also have a planting interest.

Question. The witness, William H. Harrison, has given this committee a statement concerning your action on the day of the last election in this State. Do you know Harrison?

Answer. Yes, sir; I know him.

Question. I believe he was once a servant in the family of your father-in-law?

Answer. Yes, sir; he was the personal attendant of Judge James Thomas.

Question. Until emancipated?

Answer. Yes, sir.

Question. Harrison said here that, on the day of election at Sparta, in Hancock County, you had caused the arrest of three of the managers of election, and he then proceeded to give his account of the matter. Will you be kind enough now to state to this committee what occurred on the day of election, what your own action was, what Harrison's acts were, and the grounds for your action?

Answer. Three of the five managers of election were arrested on a warrant that was issued at my instance and on my affidavit. The accusation in the warrant was that they were principals in the second degree to the felonious crime of illegal voting, being present, aiding and abetting the commission of that crime on the part of divers voters who were principals in the first degree. The illegal votes they received were those of persons who had not paid the poll-tax of the preceding year. The ground for that action on my part was the provision of our State constitution to the effect that those who had not paid the taxes of the preceding year should not be entitled to vote; that is the constitutional provision in our State.

Question. One of the qualifications for legal voting required by your constitution is the prepayment before the election of the poll-tax of the preceding year?

Answer. Yes, sir; the constitutional provision requires that all voters shall have paid all legal taxes which they have had an opportunity to pay. When these men offered to vote, proof was presented that they had not paid their taxes, the proof consisting of

the books of the collector, and the statement of the collector himself. These managers held that it was immaterial whether they had paid the taxes or not, and that they would receive their votes, and they did receive them. It was for that that they were arrested. There was an immediate hearing on the warrant for commitment. The magistrate who issued the warrant had the hearing, and he bound them over, committed them, with the privilege of giving bail. One of them was a white man, Judge Gonder; the other two were negroes. The magistrate put the bail for Judge Gonder at $5,000, and for each of the negroes at $2,000. Judge Gonder immediately announced that they had no bail to give, and they went to jail. The warrant was executed by the sheriff of the county, and the sentence of commitment was executed by him. They remained in jail only a few hours, and then some citizens, of their own motion, got together and volunteered to go their bail, and they were then released from jail. Every one who went on their bonds was a white man and a democrat.

Question. How many illegal votes had those managers received?

Answer. Certainly fourteen, and there were probably others who voted illegally without being noticed as not having paid their taxes. They were colored voters, and a great many of them were personally not known.

Question. Have you the text of the constitution at hand, so that you can refer us to the provision on the subject?

Answer. I have not the text at hand; I could furnish it to you, and will do so with pleasure. As I was coming along just now I called at a lawyer's office, where I supposed I certainly would be able to obtain it, but he was out. Not having much time, I came right on here. I will obtain it, and have it incorporated as a part of my testimony.

Question. I understand you to say that the prepayment of legal taxes, among which is the poll-tax, was required of the voter, if the opportunity for payment had been given him.

Answer. Yes, sir.

Question. Can these taxes be paid at any time before voting, say on the day of election?

Answer. This was a tax of the previous year, not of the year in which the election was held. This was a tax of 1869 that had not been paid; the election was in 1870. At the time of the election there were no officers to receive the tax. The legislature, in October, just before the election, passed an act declaring that the poll-tax for 1869 was inconsistent with the constitution; it was a declaratory act, and directed the collectors to cease the collection of it from that time. It did not repeal the act of 1869; it simply declared that it was inconsistent with the constitution, and directed the tax-collectors to cease its collection.

Question. At what time was the act imposing the tax passed, and until what time did it remain in force, according to the terms of the act?

Answer. I do not remember the date of the poll-tax of 1869; it was in the tax-law of that year; early in 1869, I think.

Question. When was this attempt made by the legislature to change its provisions?

Answer. In 1870, a little while before the election.

Question. Had there been opportunities for every one in your county to pay this tax in 1869?

Answer. Yes, sir; and in 1870, up to October.

Question. There had been ample opportunity given for the payment of the tax?

Answer. Yes, sir; for more than a year.

Question. Then, I understand you to say that just prior to the election of 1870, the legislature passed this act in direct contravention of the constitutional provision which required the payment of the tax the year previous, and proposed to permit parties to vote without the constitutional qualification of prepayment?

Answer. The act of October, 1870, said nothing about voting, but it manifestly had no object in the world but the effect upon voting.

Question. I wish you would state what that act was.

Answer. I will furnish you with a copy of it as soon as possible.

By Mr. SCOFIELD:

Question. Will you also state, as near as you can recollect it, the language of the constitution upon the subject?

Answer. I would prefer to have the text of the constitution before me.

Question. I understand you to say that the poll-tax was to be applied to the support of schools?

Answer. Yes, sir; by the constitution the poll-taxes are to be applied to the support of schools.

By Mr. BAYARD:

Question. Was the question brought before the managers at the time they were receiving these unlawful votes?

Answer. Yes, sir; they were informed by me before they received the votes, and by others also, that such and such persons offering to vote had not paid their taxes.

Question. The collector of the district was there with his books?

Answer. Yes, sir, and with his corroborating statement.

Question. Was the tax of 1869 regularly assessed?

Answer. Yes, sir.

Question. Was it generally known that it had been assessed?

Answer. Yes, sir, just as much so as any law of the statute-book; it was one of those things which were best known because it came home to every man's pocket.

Question. The opportunity of payment had been ample?

Answer. Yes, sir, perfectly, for more than a year. I do not remember the date of the law imposing the poll-tax of 1869, but it was more than a year before the act of 1870 was passed.

Question. Had there been a school-fund raised by taxation and paid into the treasury of the State in 1869?

Answer. Yes, sir; the tax of 1869 had been partly collected, what proportion I am not able to say. The State treasurer could give you the exact figures on that subject; I cannot. A part of the poll-tax had been paid in. This act of 1870, of which I have spoken, declaring the poll-tax of 1869 to be inconsistent with the constitution, and suspending its further collection, in my judgment had no foundation in the constitution, but, on the contrary, was in the very teeth of the constitution itself. The opinion that it expressed, that the act of 1869 was void, was in conflict with the constitution itself. There is a preamble reciting the reasons, which preamble amounts to this: that no school-system had been organized, and therefore the levying of a tax for the support of schools was not authorized; in other words, that they could not inaugurate a school-system unless upon credit; that they could not appropriate the money for it beforehand; that the only constitutional way was to run in debt for it. But the constitution itself had set the contrary example, because it took an educational fund on hand at the time the constitution was adopted, and solemnly dedicated it to school purposes, though there had been no school-system organized at that time.

Question. There was a fund for that purpose then?

Answer. Yes, sir. While the legislature of 1870 declared the law of 1869 to be void, under which the poll-tax was to be collected, they passed another act appropriating the fund already accumulated to their own purposes, instead of returning it to the tax-payers, as would have been proper upon their theory, that, no school-system having been established, the tax for that purpose was illegal.

Question. Did any man, to your knowledge, vote on the day of election after the arrest of the three managers who insisted upon receiving illegal votes—did any man vote there who had not paid the poll-tax and other legal taxes of 1869?

Answer. Not one, so far as I know, and I believe there was not one. I have good ground for knowing, for I was attentive to the election.

Question. Is it your custom to let parties present their tax receipts when they offer their ballots, or do you take their statement upon the subject?

Answer. We had no custom on the occasion at all, for the managers decided that it was immaterial whether the tax had been paid or not.

Question. After the managers had been arrested what was done?

Answer. There was nobody who offered to vote who was not entitled to vote, so far as we knew. I do not remember the case of a challenge that was propounded. The colored people did not vote after that, except to a very small extent; yes, perhaps one hundred and fifty of them voted.

Question. What is the usual time for the payment of taxes? What would have been the time for the payment of the taxes of 1869?

Answer. During the summer of 1869. The tax-collector has to close his books in the fall for that year.

Question. Could they have paid the tax to him at any time during that year, upon application to him?

Answer. Yes, sir, the tax would have been received at any time after his books were closed, and then he would have to make a supplementary report on the subject. He is allowed to return an insolvent list of tax-payers.

Question. What is done with that insolvent list; is it made public at all?

Answer. I do not think it is published; it is returned to the comptroller's office.

Question. Were the names of those persons who had voted illegally, and whose votes the managers decided to receive in spite of the explanation you gave them, on the insolvent list?

Answer. They were on the tax-collector's books which were there.

Question. The records of the tax collector showed the parties who had not complied with the law as it stood up to October, 1870?

Answer. It did not show it affirmatively.

Question. It showed the names of the insolvents?

Answer. It showed who they were, and that there was no record of payment on their part.

Question. Would not that be *prima facie* proof?

Answer. Yes, sir, it would be *prima facie*, but not conclusive; it was subject to rebuttal. There was an additional tax-collector's statement; but there was no denial of the facts on the part of a single voter.

Question. The broad claim was made by the voters ——

Answer. The fact was conceded as represented by me; it was not denied at all by anybody; there was no pretense of denying it. The managers just said that they would receive the votes.

Question. Who were the five managers at that election?

Answer. The three who were arrested were Joseph B. Gonder, white, and Adolphus Morse, and Ridley Mosely, colored; and the other two managers were John L. Culver, and a man named Dr. Johnson; he is usually known as Whit Johnson; I believe he has a middle name, but I do not now recollect it.

Question. Who of those managers were republicans, and who democrats?

Answer. The two colored men were republicans. Judge Gonder's position was a matter of some doubt; he was generally classed as a republican; he had voted for the ratification of the constitution in 1868, and for Governor Bullock. I do not know how he voted at the presidential election of 1868.

Question. What were the others?

Answer. Culver and Johnson were democrats.

Question. The three who decided to receive the votes overruled the other two?

Answer. Yes, sir. Those three were Governor Bullock's appointees under what is known as the Akerman election act.

Question. How were the other two appointed?

Answer. They were appointed by the ordinary of the county.

By the CHAIRMAN:

Question. Are you sure of that fact?

Answer. I think it is that way; I have not looked at the records on the subject, and I will make no positive statement about it.

By Mr. BAYARD:

Question. Were there any armed men around the polls on that day?

Answer. If any there had arms they did not show them; I did not know them to be armed; I know I had none myself.

Question. Was there, to your knowledge, anything like intimidation by arms on that day in or about the polls, or within view of the polls, by any one?

Answer. Not in relation to the polling at all. I saw an exhibition of arms on the ground at one time that day. I will explain what it was if you wish.

Question. Something has been said by a witness here about there being an attempted terrorism of the colored population by white men who were armed and going along the streets.

Answer. When those managers were carried to jail there was quite a crowd of negroes went down to the jail with this man Harrison at the head of them. After a time they started back toward the court-house—the jail is about one hundred yards from the court-house—they started back yelling and declaring that the managers should be rescued. I was not down at the jail, and I did not hear the words they spoke; but a number of gentlemen said that they had heard Harrison use that language. I heard the yelling, which could have been heard a mile, I should think. I heard a number say that Harrison himself declared that the managers should be rescued at all hazards. At that time a number of men, from fifteen to twenty, (I think that would cover the number that I saw,) ran into some stores. They were on the streets very much as I was, though one man and myself were standing a little apart talking together. Those who ran into the stores were not far from us, and they came out with guns; and when the guns appeared this crowd of colored people turned immediately from the direction in which they were going, and went off to Dixie, a colored settlement down in the outskirts of the town. The men with the guns then immediately retired and put them back into the stores. That is the only exhibition of arms I saw that day.

Question. Were there any discharges of those firearms at all in your hearing that day immediately at or near the polls?

Answer. No, sir; none at all. I have here the constitution of Georgia. The second section of article 2, prescribing the qualification of voters, is as follows:

"ARTICLE 2.

"SECTION 2. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upward, who shall have resided in this State six months next preceding the election, and shall have resided thirty days in the county in which he offers to vote, and shall have paid all taxes which may be

required of him, and which he may have had an opportunity of paying, agreeably to law, for the year next preceding the election, (except as hereinafter provided,) shall be deemed an elector; and every male citizen of the United States, of the age aforesaid, (except as hereinafter provided,) who may be a resident of the State at the time of the adoption of this constitution, shall be deemed an elector, and shall have all the rights of an elector as aforesaid: *Provided*, That no soldier, sailor, or marine in the military or naval service of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State; and no person shall vote who, if challenged, shall refuse to take the following oath: 'I do swear that I have not given or received, nor do I expect to give or receive, any money, treat, or other thing of value by which my vote, or any vote, is affected, or expected to be affected, at this election; nor have I given or promised any reward or made any threat by which to prevent any person from voting at this election.'"

By Mr. SCOFIELD:

Question. You have read all that relates to the payment of taxes, so far as the qualification of voters is concerned?

Answer. Yes, sir; there is a special provision here forbidding certain classes from voting. While I have the constitution before me here, let me call attention to the section that I alluded to in relation to the poll-tax. It is section 29 of article 1, and is as follows:

"SECTION 29. No poll-tax shall be levied except for educational purposes, and such tax shall not exceed one dollar annually on each poll."

Article 6 provides as follows:

"SECTION 1. The general assembly, at its first session after the adoption of this constitution, shall provide a thorough system of general education, to be forever free to all children of the State, the expenses of which shall be provided for by taxation or otherwise.

"SECTION 2. The office of State school commissioner is hereby created. He shall be appointed by the governor, with the consent of the senate, and shall hold his office for the same term as the governor. The general assembly shall provide for the said commissioner a competent salary and necessary clerks. He shall keep his office at the seat of government.

"SECTION 3. The poll-tax allowed by this constitution, any educational fund now belonging to this State, except the endowment of and debt due to the State University, or that may hereafter be obtained in any way, a special tax on shows and exhibitions, and on the sale of spirituous and malt liquors, which the general assembly is hereby authorized to assess, and the proceeds from the commutation for militia service, are hereby set apart and devoted to the support of common schools. And if the provisions herein made shall at any time prove insufficient, the general assembly shall have power to levy such general tax upon the property of the State as may be necessary for the support of said school-system. And there shall be established, as soon as practicable, one or more common schools in each school district in this State."

By Mr. BAYARD:

Question. You say that the fund which, by the constitution, was devoted to common schools consisted of the fund then on hand and the special taxes mentioned?

Answer. The reason they gave why the poll-tax was void was that there had been no school-system organized, and yet these other taxes were not declared void.

Question. The educational fund had been paid into the treasury from the sources indicated by the constitution, and by the constitution the legislature at its first session was directed to provide a school-system. The legislature had failed to do so. Is that the way the matter stood?

Answer. Yes, sir.

Question. And therefore they appropriated that educational fund for their own pay?

Answer. They declared the poll-tax to be void, but they did not declare void any of the other taxes that had been levied for the same educational purposes.

Question. What other legal taxes in 1869 would the people have been required to pay?

Answer. I do not suppose that any other tax but a poll-tax would have been required of them. But the point I was making was this: that while the act of 1870 declared the tax raised from the poll to be void, it did not declare void the taxes raised from shows and from the sale of liquors.

Question. Yet the taxes from both those sources were to go to the same fund?

Answer. Yes, sir, and were governed by the same reason, and should have been declared void, if it was any reason at all, because the school-system had not been imposed.

Question. That is to say, the legislature only relieved the people from one tax which

was contributory to the educational fund, without relieving them from another tax contributory to the same fund, although the same reason would have applied to both taxes?

Answer. That is it.

Question. The process taken by you was one well known to the law of the State, one under the laws of the State?

Answer. Yes, sir; I applied to a justice of the peace for a warrant.

Question. Have any steps been taken against you for insisting upon the laws and the constitution of your State being fully complied with in regard to the manner of receiving votes at elections?

Answer. Yes, sir; I was arrested in the January following upon a warrant taken out before United States commissioner Swazey, at Macon, on the affidavit of the two colored managers, Morse and Moseley, for a violation of the enforcement act of Congress, and I was bound over to appear before the circuit court of the United States.

Question. In what bail?

Answer Five thousand dollars.

Question. Has the circuit court yet been in session?

Answer. Yes, sir.

Question. What was the action with regard to you?

Answer. The matter was laid before the grand jury, but the bill was ignored.

Question. Who is the judge of that court?

Answer. Judge Woods is the circuit judge, and Judge Erskine is the district judge.

Question. Did the court make any charge to the grand jury?

Answer. I was not there, but I understood not.

Question. Who is the district attorney of that district?

Answer. Judge Pope; he was formerly judge of the superior court of this circuit.

Question. Did he prepare the indictment which was sent before the grand jury?

Answer. I cannot tell you whether he did or not, though I suppose he did, of course, if there was action on the subject. He informed me very kindly and courteously by letter that I need not appear there until he could give me notice that I was needed. The court sits a long time, and I did not know when the matter would come up. The first notice I received on the subject at all was that the bill was ignored, so that I did not attend that court at all.

Question. This man Harrison also mentioned that you had a renconter on the day of election with somebody?

Answer. Yes, sir, I did.

Question. As it signified some turbulence on your part, I think it but just to mention that fact to you.

Answer. I was turbulent to the extent of knocking down a man who called me a damned scoundrel and a damned coward. He said that, and I simply knocked him down.

Question. He was the originator of the assault?

Answer. Entirely so; it was a surprise to me. I was standing quietly talking to a friend, and Dr. Brown came up and said to me, "Judge Stephens, I recognize in you the author of this disturbance. I pronounce you a damned scoundrel and a damned coward." I think those were the words he used; certainly that is the substance of them.

Question. You merely resented a personal insult to you?

Answer. Yes, sir; I knocked him down.

Question. Was that the beginning and end of it?

Answer. I was pursuing the attack, or I intended to pursue it, further——

Question. As against him?

Answer. As against him. I had no arms at all, as I told you. I was caught hold of by persons around me, and the fight proceeded no further.

Question. Was that the only personal collision you had on that day?

Answer. The only one.

Question. Of any character?

Answer. Of any character at all.

Question. Will you tell us some of the antecedents of this man Harrison? I understood you to say that he was formerly a servant in your father-in-law's family, and his personal attendant?

Answer. Yes, sir.

Question. Was he at any time, from any indictment, liable to punishment for any criminal offense?

Answer. Yes, sir. He was engaged in an insurrection in 1863 with a number of other colored people. Four were sentenced to be hung, but two only were hung; two were pardoned by Governor Brown, who was then in the executive office, at the instance of citizens generally, myself among the number.

Question. Was Harrison one of the men thus pardoned?

Answer. No, sir; only the ringleaders of it were convicted.

Question. Was he connected with the conspiracy?

Answer. Yes, sir.

Question. What was the object of the conspiracy?

Answer. The object of the conspiracy, as abundantly disclosed by the evidence, by the confessions of the colored men themselves in many cases, was to burn up the town and kill all the white people in it without regard to age or sex.

Question. This man Harrison was connected with that?

Answer. Yes, sir.

Question. How was he relieved from the consequences of his connection with it?

Answer. Just by the merciful considerations of the citizens and of his old master, who was quite attached to him. He was a young fellow at that time, not twenty-one years of age, I know; I think he lacked several years of that. We thought he was young and misled by older ones. The thing was disposed of by inflicting a heavy punishment upon a few, finally upon two only.

Question. Was his complicity with the conspiracy developed?

Answer. Abundantly.

Question. As I understand you to say, it involved the destruction of the town by fire, and of all the people in it?

Answer. Yes, sir, that was abundantly proved to be the purpose of it.

Question. When the first election was held in 1868, this Harrison was returned to the legislature?

Answer. Yes, sir.

Question. Who was the other representative from your county?

Answer. It was another colored man, of the name of Eli Barnes, who was elected at the same time.

Question. Had either of those men any amount of education?

Answer. No, sir; Harrison had no education at all when the war closed; I believe he now signs his name and can read; but he reads poorly.

Question. How about the other man?

Answer. Well, I do not know about him; he is a stupid fellow, not nearly so smart as Harrison; he had no education before, and I suppose he has made less progress than Harrison since.

Question. What has been the occupation of Barnes since the emancipation?

Answer. Politics.

Question. Has he been working for his living?

Answer. I have not known of his doing anything.

Question. What is Harrison's occupation?

Answer. Politics. It was a subject of remark and talk that since the last election he has been working some in the patches about his house. I never heard of his working before. He has been going to and fro upon the cars. My business as a lawyer takes me a great deal on the cars, and I have very often seen Harrison on the cars as I have been traveling; and I have very often seen him taking the cars at the depot in my town, when I was not myself going on or getting off the cars returning to town. He has traveled very much.

Question. I understand that your action on the day of election was in accordance with the laws of your State?

Answer. Entirely.

Question. To prevent the reception of illegal votes?

Answer. Entirely.

Question. In your opinion, the action of the managers was directly in the teeth of the provisions of your State constitution?

Answer. I do not think there was the slightest doubt about it.

Question. Had you considered the question carefully?

Answer. I had. I will state further that with regard to Judge Gonder, who is a lawyer by profession, though he has not practiced law much, and is a very sensible man, he stated that he was of opinion that they were not entitled to vote under the constitution. But he took a very curious view of the matter, which I will state as his justification for allowing them to vote. He said the terms of his oath under the Akerman act required him to admit their votes, although by the constitution they were not entitled to vote.

Question. Were the two colored managers of election on that day men of any education or legal knowledge?

Answer. None at all.

Question. What is their occupation now?

Answer. Mosely is now working on a farm; Morse has gone away from the county; he has not been back there since I was prosecuted.

Question. Do you know whether those men could read or write; whether they had any literary attainments?

Answer. I cannot tell you with certainty; they certainly could not read or write *much. I had* known Morse from the time he was a small boy, or a young fellow.

osely I never knew until he turned up there as a manager of elections; but I under-ood that he had always been a field-hand. They were evidently both very ignorant ople; perhaps they had learned to sign their names.

Question. Are you aware of any act of violence or intimidation exerted towards any lored man in your county on the day of that election?

Answer. No, sir, not one. So far as I saw, (and I think I saw as much as anybody se was likely to have seen, and that I would have seen such action if it had taken ace,) there was none that I saw, and I heard of none. On the contrary the colored ople were urged to come forward and vote, and were assured that they would be lowed to vote, those who were entitled to vote, without any sort of interference.

Question. All who were entitled to vote under the constitution?

Answer. Yes, sir; I gave them that invitation myself. There were great numbers of em out in the street. Mr. Pearce, who was one of the candidates for the legislature, ve them the invitation; I heard him do it several times.

Question. He was the conservative candidate on that occasion?

Answer. Yes, sir; he was the democratic candidate. He continued the invitation so ng that I told him to desist. I said to him, "It is enough to let them know that ere is no sort of doubt about it." There would have been no assurance necessary if ey had not quit voting, mainly. There were colored people who voted after the ar-st of the managers.

Question. Here are the acts of 1870 of your legislature. Will you indicate the act to hich you have referred, in relation to the payment of the poll-tax?

Answer. This is the act; it reads as follows:

AN ACT to declare the poll-tax of this State for the years 1868, 1869, and 1870, yet uncollected, illegal and to prevent the collection of the same.

"Whereas by the twenty-ninth paragraph of the bill of rights, it is declared that no ll-tax shall be levied except for educational purposes, and such tax shall not exceed e dollar annually on each poll; and whereas article 6, paragraph 1, of the constitu-on makes it the duty of the legislature, at its first session, to provide a system of lucation free to all children; and whereas paragraph 3, of the same article, solemnly votes to the support of said system, to wit, a system of common schools, the poll-x allowed by this constitution; and whereas the general assembly did not at its st session and has not yet established a system of common schools, and there is not this State any system of common schools to be supported—

"SECTION 1. *Be it enacted, &c.*, That all poll-tax assessed and imposed on the people this State for the years 1868, 1869, and 1870, is illegal, and not warranted by the nstitution of this State, and that tax collectors be instructed to desist from collecting e same, and that tax collectors be relieved from all such poll-tax as appears unpaid their respective digests.

"SEC. 2. *Be it further enacted*, That all laws and parts of laws militating against is act are hereby repealed.

"Approved October 25, 1870."

Question. You have spoken of the list of insolvent tax-payers which was returned?

Answer. Yes, sir.

Question. As a matter of fact, is it a difficult thing to collect taxes from the colored eople?

Answer. It is.

Question. Have you been informed by tax collectors, or do you know from your own nowledge, of what class of people the delinquent tax-payers consist?

Answer. Largely of the colored people, who seldom pay any other tax but a poll-tax.

Question. Do the colored people of your county pay any large amount of the other axes?

Answer. No, sir; certainly a very small amount, and very few of them pay any.

Question. What are the relative numbers of colored and white people in your county?

Answer. Do you mean voters?

Question. Well, yes, sir. You can first give the proportion of the entire population, you can do so.

Answer. I suppose the number of white voters in the county is about eight hundred, nd the number of colored voters from ten to eleven hundred, perhaps eleven hundred; at would be my estimate. We had a registration in 1868 of white and colored oters, which gave about 2,100 in all of them. There are not so many voters now as ere were then.

Question. Have you any white republican voters in the county?

Answer. There was not one white republican vote cast at the last election, I think; Ir. Gouder had not voted at all when he was arrested.

Question. Harrison has complained of a feeling of insecurity on his part; he has said hat he was not able to remain comfortably in his house at night; that he believed imself to be, from the temper of the white people there around him, insecure and

unsafe. Have you any knowledge of any facts, or belief in any facts upon credible information, that should cause Harrison to feel at all insecure in the possession of his personal rights and property?

Answer. None at all. I have understood that he keeps sentinels about his house every night with arms. The precautions that he has taken for his own security have certainly had no tendency to produce security on his part; they would rather have tended to act as an aggravation to people to attack him, when they would otherwise not have done so. But he has not been attacked at all, although anybody who had any disposition to attack him has had a great many opportunities to do so.

Question. Does he pass and repass frequently on the highways and the public streets?

Answer. Yes, sir.

Question. To your knowledge has he been assaulted or injured by anybody?

Answer. I never have heard of it.

Question. Are you aware of any organized sentiment or action unfriendly or hostile to the comfort and safety of the negro population of your county?

Answer. I know of none; I have heard of none, and I do not believe any exists.

By the CHAIRMAN:

Question. Let me see if I understand your testimony. As I understand, you went before the board of managers on the day of election and raised the constitutional question that they could not properly receive the votes of those who had not paid the poll-tax for 1869?

Answer. Yes, sir.

Question. And a majority of that board of managers decided against you?

Answer. Yes, sir.

Question. They decided that they could receive the votes, and that they would receive them?

Answer. Yes, sir.

Question. And you thereupon got out a warrant, and had arrested the three managers, constituting the majority of the board, who had made that decision—had them arrested as aiders and abettors in the violation of the constitution?

Answer. Not thereupon, but after they had received some votes.

Question. Who issued that warrant?

Answer. Mr. Clarence Simmons, a notary public and *ex-officio* justice of the peace, appointed by Governor Bullock.

Question. Where was the hearing had?

Answer. In the court-house.

Question. In the same building where the election was going on?

Answer. Yes, sir.

Question. And these men were held over for trial before the superior court?

Answer. Yes, sir.

Question. The white man under bond for $5,000 and each of the colored men for $2,000?

Answer. Yes, sir.

Question. And the white man said he had no bail to give; that he regarded his arrest as an outrage upon his rights, and declined to give bail?

Answer. I do not know whether he regarded it as an outrage upon his rights or not. He said he had no bail to give. I supposed it was that he could not give any. He certainly had none of his party there to give bail.

Question. They remained in jail how long?

Answer. For a few hours.

Question. Until the election was pretty well over?

Answer. No, sir; the election lasted three days, and this was on the first day.

Question. You say that some democrats, of their own motion, went there and executed a bond, upon which they were turned out of jail?

Answer. They went to see him about the matter, and proposed to go bail, which they did.

Question. What has been done with these cases since that time?

Answer. There has been nothing done with them. The court has since met, but the grand jury took no action, at the special instance of myself among other citizens.

Question. What was done in regard to the election after those men were put in jail?

Answer. There was a new board of managers organized, who went on and held the election.

Question. Who composed that new board?

Answer. I am not sure that I can state all of them to you now; I can give some of them: Mr. Benjamin T. Harris was one, Mr. Henry Culver was another; I do not believe I can state the rest.

Question. Perhaps I can help your recollection; was Mr. Simmons another?

Answer. He was.

Question. The same man who had prepared the *mittimus* and sent the men to jail?

Answer. He was justice of the peace, and as justice of the peace he opened the polls under our election laws, which require that in that case it shall be done by the justice of the peace and the freeholders.

Question. How many republican votes were polled after the polls were opened the second time?

Answer. I believe but two; very few, I know.

Question. What was done with the other box?

Answer. The first box?

Question. Yes.

Answer. When the managers were arrested, all five of them united together and sealed up the box, and it is sealed yet. There were 149 votes cast at that time.

Question. You have spoken of a rencounter which you had with Dr. Brown, and of his having made a strong personal accusation against you; about what was that accusation; to what did it relate; what conduct of yours called forth such an animadversion from him?

Answer. I suppose it was the arrest of the managers; I do not know what else.

Question. Did he so state?

Answer. He did not. He used this language: "I recognize in you the author of all this disturbance." The only disturbance about the matter is what I have described; people may call it what they please.

Question. You say that Harrison keeps a guard stationed about his house?

Answer. I wish to make a statement in this connection.

Question. Certainly.

Answer. A very few days afterward Dr. Brown addressed me a note, in which he stated that he had acted under an entire misapprehension of the case; that since then he had learned the facts, and entirely approved of what I had done; that he thought it was legal and right; and he asked that our former friendly relations should be restored. To which I replied, expressing my gratification, and saying that I should meet him as I always had done. That is the way that matter ended.

Question. You say that Harrison keeps a guard around his house for his personal safety?

Answer. I have heard so; that is the only way I know it.

Question. And you think that has a tendency to precipitate an attack upon him?

Answer. I say it would have a tendency to do that much more than to obtain his security, for the guard he has around there would amount to no force at all, if there were any combination of persons to attack or to injure him in any way. But it has not produced either result; he has not been attacked.

Question. You have spoken of the condition of things in your county; have there been any instances there of persons whipped or otherwise maltreated by disguised bands in the night?

Answer. I have heard of instances where they were whipped or maltreated by disguised persons. I do not know whether you would call them bands or not.

Question. I suppose that persons who would engage in any such transactions would not consult you?

Answer. Well, sir, they do not.

Question. Do their victims consult you and confide in you?

Answer. Some of them have done so.

Question. Who told you the circumstances under which they were maltreated?

Answer. One did.

Question. Who was he?

Answer. He was a colored man; I never saw him before, and I am not sure that I can remember his name. He used to belong to a Mr. Watson, and I think he called himself Watson after he was emancipated.

Question. What did he state were the circumstances of the attack upon him?

Answer. He told about five or six men catching him and whipping him, and he said that one of them shot him. I questioned him closely to ascertain the reason for it. He had said there was no reason; but by close questioning I brought out the fact that he was living with a white woman in a state of adultery.

Question. Living in the same house with her?

Answer. No, sir, he was not living at the same house with her, but he saw her frequently.

Question. Did he come to you as a lawyer for redress?

Answer. Yes, sir.

Question. Did you aid him?

Answer. I did. His case was laid before the grand jury, and a true bill was found.

Question. Have the parties been arrested and brought to trial?

Answer. They were indicted for assault and battery, and the colored man afterward settled it.

Question. Do you know how he settled it?

Answer. I do not know. I had nothing in the world to do with the settlement of it, and did not know it was done until it was all over.

Question. Who paid the costs attendant upon the issuance of the warrants and the arrest and imprisonment of the managers of elections, of which you have spoken?

Answer. I really did not know, and I do not yet know. I did not consider myself liable for them, and I never made any inquiries about it. You have asked me about instances of violence and lawlessness. I can give another; there was an instance of a man being attacked in his house, between 12 o'clock at night and the morning, by negroes, some of whom were disguised, and it was difficult to recognize them in the dark; they declared that they would kill the man. They burst down his door with a rail, shot into his house, shot him, and one of their shots came very near taking effect on his wife, as she lay in bed. That shot was one of the first fired, as the door was burst open. The man made his escape by raising a plank, and going out under the floor. Fourteen of those persons were put on trial, and convicted of assault with attempt to murder, and were sentenced to the penitentiary for two years; and three months afterward they were turned out by executive pardon. The evidence in the case was, in every instance, confession, corroborated by other circumstances. They were defended by Miles W. Lewis, of Greensborough, one of the ablest lawyers of the State.

Question. Was the attack made on a colored man?

Answer. No, sir; on a white man.

Question. What was the cause of their animosity toward him?

Answer. They suspected him of having killed a negro who was found dead; so I understood.

Question. And they proceeded against him in this lawless way?

Answer. Yes, sir. On the trial it was shown that they were mistaken in their suspicions.

Question. They were arrested, tried, convicted, and sent to the penitentiary?

Answer. Yes, sir; and turned out by executive pardon.

By Mr. BAYARD:

Question. The evidence disclosed the fact that their suspicions of this man whom they had assaulted were entirely unfounded?

Answer. Entirely so.

By the CHAIRMAN:

Question. Did it ever appear who did kill the negro?

Answer. No, sir.

Question. No one was found who it was supposed had killed him?

Answer. No, sir; not that I know of.

Question. This man was able to show that he was not there, but somewhere else?

Answer. He showed by a number of witnesses that he was at home.

Question. He was able to establish an *alibi*?

Answer. He did establish it.

By Mr. BAYARD:

Question. Was there any evidence to show that this man had been guilty of the crime they suspected him of?

Answer. Not the slightest.

By the CHAIRMAN:

Question. Even if he had been, it would have been no legal defense for such an act?

Answer. Certainly not.

Question. They would have been just as guilty whether he had killed the negro man or whether he had not?

Answer. Well, you are raising a question of morals.

Question. I am speaking to you as a lawyer, and I expect you to answer as a lawyer.

Answer. Under the law there would have been no excuse.

Question. There might have been some difference made in the amount of punishment?

Answer. Well, yes.

By Mr. LANSING:

Question. Was there any arrest of any one for killing the negro?

Answer. No, sir.

Question. Was there a coroner's inquest?

Answer. I think there was a coroner's inquest. It has never been found out who killed the negro?

Question. There was evidence taken before the coroner?

Answer. I think so.

Question. But no disclosure was made there as to who killed the negro?

Answer. No, sir.

Question. Did you understand what was the cause of the killing of the negro as alleged?

Answer. I did not.

By the CHAIRMAN:

Question. You say that some of the negroes who went to the house of this white man and shot him were disguised?

Answer. Yes, sir; that was disclosed in the evidence.

Question. They were not all disguised?

Answer. No, sir; the faces of some of them could be seen?

Question. You have referred to a historical incident, or what may be regarded as such, in the year 1863, of an attempted insurrection of the slaves in your county. Was that attempt carried into effect?

Answer. It was not; that is, it was not carried into effect by killing anybody; but under our statutes the crime was complete.

Question. Was that before or after the emancipation proclamation?

Answer. I believe the emancipation proclamation took effect on the 1st of January, 1863, and that was after that time.

Question. That is, the offense charged occurred after the emancipation proclamation?

Answer. O, yes; in the fall of 1863.

Question. How many negroes were involved in it?

Answer. Our insurrection laws are not confined to slaves.

Question. Were there any free negroes involved in it?

Answer. There were some.

Question. How many?

Answer. There was one who was generally considered free; but I believe that his legal status was that of a slave; he really enjoyed his own time. I said that our insurrection laws were not confined to slaves; I did not say that the insurrection was confined to slaves.

Question. Was it confined to colored people?

Answer. No, sir; the law was not.

Question. It was a general law?

Answer. Yes, sir.

Question. How many were involved in this conspiracy?

Answer. Well, sir, I cannot tell you exactly; there were quite a number, but I do not remember the number; from thirty to fifty, I would say.

Question. If the negroes had combined, and wished it, was it not very easy for them to have exterminated the whole white population you had there?

Answer. Well, I do not think so; I do not know what other people may think.

Question. Where were you at that time?

Answer. I was in the army.

Question. You were not there?

Answer. I was in this town at that time.

Question. And when you speak of that transaction, you speak from information?

Answer. Yes, sir; and from the part which I took in it myself, in the application to Governor Brown for intercession; to that extent I know it personally. That intercession was by letter; I wrote a very pressing letter on the subject.

Question. You have spoken of arming on the day of election; do you speak from information or from your own knowledge?

Answer. I speak from my own knowledge.

Question. Did you see the arming?

Answer. I saw a number of men armed, as I have already testified.

Question. Did you hear Harrison say that he would have the managers released?

Answer. I saw a number of men run into a store and come out with guns when this crowd of negroes came up swearing that the managers should be rescued.

Question. Did you hear them say that?

Answer. No, sir; but, as I have already said, I heard a number of men say that they heard it. I was at a distance, but I heard the yelling, which, as I have already said, could have been heard perhaps a mile.

Question. One point more. You were asked about the voters. Do you know whether every man who was permitted to vote after the change of managers, had, in point of fact, paid his tax for the previous year?

Answer. I believe that every one had. I know that special care was taken not to allow any others to vote, and the votes of some who were democrats were refused.

Question. Was the vote of any white man refused?

Answer. No, sir; I do not remember that it was.

Question. Your white people had all paid that tax?

Answer. I will not be positive on that point, whether any white man's vote was rejected or not. There were several instances of negroes who applied to citizens to know whether they could vote, saying that they intended to vote the democratic ticket, but they had not paid their tax. They were advised in every instance not to try to vote, for they were told that they would not be allowed to do so.

Question. Do your white people never become delinquent in the payment of taxes?

Answer. Certainly, some of them do.

Question. What time are the taxes of 1871 due?

Answer. They are not due at all.

Question. There are no taxes for 1871?

Answer. No, sir; there has been no tax law for 1871.

Question. Was there any tax for 1870?

Answer. That is a disputed point among lawyers. My own opinion is that there were no taxes, but they have been collected for 1870.

Question. The taxes have been collected for that year?

Answer. Yes, sir. There was no point made about it, but I am utterly unable to find a shadow of a tax law for the year 1871.

Question. Other people think differently from you in regard to the taxes for last year?

Answer. Yes, sir.

Question. And the taxes for 1870 have been collected?

Answer. Yes, sir, not because they thought differently from me, but because they were not disposed to raise any question about it, and therefore people went along paying their taxes. As to the tax of last year, my attention was called to it first by Judge Reese, who is now a senator here. He is one of the prominent lawyers of our State, and told me that in his opinion there was no tax law for 1870.

Question. And there has been no tax provided for the present year?

Answer. Not that I know of.

Question. None whatever?

Answer. No, sir; still, they are going on collecting the tax now. I have not found a man who thought there was any tax law for this year.

Question. Do you mean to say that men are going on collecting the taxes in known and conscious violation of law, without any authority, and by blank usurpation; do you mean to say that men are acting in that way?

Answer. I mean to say that they are acting without any authority of law.

Question. Do they think, or do they know, do they believe, are they conscious, that they are acting without any authority of law?

Answer. I do not know; I cannot go in to their breasts and know what their thoughts are.

Question. You know what they say?

Answer. I never heard any one say that they had any authority for it. I suppose the bulk of the subordinate officers who are collecting the taxes really do not know whether there is any difficulty about it or not; they have received their instructions from the comptroller's office.

Question. There is a tax assessed, and they are collecting it?

Answer. Yes, sir, they are collecting it. Our people have not made a point upon it; have not gone into the courts about it. They are acting generally upon the idea that there ought to be taxes, that the government ought to get along.

Question. Then if this legislature now convened should pass a law, a declaratory law, in accordance with your opinion, and inhibit the further collection of taxes, you might have the same question raised against the next election that you raised at the last election?

Answer. They could not have it then; there would be no tax for this year; that is my opinion.

Question. And suppose somebody should think otherwise, that the law required a tax for this year?

Answer. The question that you were supposing would not have raised the question which I raised.

Question. It would raise just the converse?

Answer. I do not see that it would.

Question. Suppose you had a set of managers who should think that the payment of taxes for 1871 was a necessary qualification for voting, and who should decide that they would not receive any vote except from those who had paid the tax for 1871; would not that be just the converse of the question which you raised?

Answer. It does not seem so to me, unless there was some other action on the part of the legislature.

Question. I am supposing that the present legislature should pass a law similar to the law of 1870, declaring that there had been no legal tax for this year, and inhibiting the further collection of any tax.

Answer. And then the managers should hold that that act was void, and that the payment of the poll-tax for 1871 was necessary to entitle a person to vote?

Question. Yes, and that they would not take any vote except from those who had paid the tax for 1871.

Answer. They would still fail, in the main point, to bring up a parallel case to that which I brought up; for in the case which I raised, there was a distinct act of 1869 imposing the tax in express terms; and in this case there is no such act.

Question. That is a matter of construction and opinion?

Answer. Not a matter of construction, but a matter of inspection of the statute-book.

By Mr. BAYARD:

Question. Do I understand you to say that Harrison headed a crowd of negroes that rushed after those managers when they were under arrest and about to be committed in default of bail, crying out that they would rescue them?

Answer. I did not hear the cry of rescue; that was after they had been put in jail, and after the negroes had started back to the public square.

Question. This committee has not rested upon what a witness knew upon his personal knowledge, but they have also taken what he believed from reliable information. I will ask you whether if in the town and at that time Harrison was represented to you by credible persons to have headed the mob, to have threatened loudly and violently a rescue of the prisoners?

Answer It was a fact; the panorama was passing under my eye. I did not hear the words, but I have never doubted that it was true that he said that they must be rescued.

Question. That he headed a crowd for that purpose?

Answer. He was conspicuous there.

Question. He was a leading man among those people?

Answer. He was on that occasion.

Question. He mentioned here that a man named Jerry Long, a black man, had lately been murdered in your county.

Answer. A man of that name was murdered there; but whether by disguised people—that was not lately.

Question. When was it?

Answer. I cannot be positive as to the time; I think it was about two years ago.

Question. Was any person ever tried for that offense?

Answer. Yes, sir, there have been two men indicted for it. There was a coroner's inquest held over the body. One witness stated that he recognized two men, and a warrant was issued for their arrest; they came and delivered themselves immediately to the sheriff. A time was appointed for a commitment trial before a justice of the peace. At the commitment trial the prosecution was not ready, and another time was appointed. When that came they were still not ready; their witnesses were not there, and a third time was appointed. At the third time they were not ready, and the parties were turned loose; that is to say, they really had never been in jail. They had delivered themselves to the sheriff, but he did not put them into jail. They were always there responsive to the process of the court, and he took the risk of their running away; had no idea that they would. At last General Terry sent down some soldiers there to arrest them; and they both ran away when the soldiers came after them. They caught one of them, a man by the name of Johnson. Lieutenant Bernhardt was the commander of the squad there. Johnson was carried before a magistrate, and waived an examination, and gave bond. Lieutenant Bernhardt wrote to General Terry, as he told me at the time, that he had no idea that Mr. Johnson was guilty; that he had examined the matter for himself, had witnesses before him, and had come to the conclusion that Johnson was not guilty. As to Dudley, he wrote that he did not know, for they had not caught him. He never has been caught. Johnson was bound over in a very small bond, approved by the lieutenant, and is now there for trial. The trial has not come on simply because at the last two courts it was not reached. He was there a few weeks ago, when our court was held, on the second of this month. That negro, Jerry Long, was a miller, and had long been a miller at the same place, during the war, before the war, and since the war. He was a negro that stood very high in the neighborhood; he was very popular with the white people, was an acceptable miller to the neighborhood, and regarded as an honest man. You have asked me about opinions and about what I have heard. If that is evidence worthy to be taken here——

Question. That seems to be about the line of testimony here.

Answer. There seems to be an opinion that Long was killed by other negroes—that it was a case of robbery. He had accumulated some money, it was thought one or two hundred dollars, maybe more. And the parties searched his house for something.

Question. Was he killed in his dwelling?

Answer. No, sir. The testimony before the coroner's jury disclosed the fact that he was killed out of doors; that they had him out of doors; but he broke and ran, and they shot at him. He was found dead in the woods the next day; he seemed to have run some distance after he was shot.

Question. Was he a worthy man?

Answer. Yes, sir, he stood very high and was very popular among the white people.

Question. Was he a useful man in the community?

Answer. He was, and his death was very much regretted by the whole neighborhood, on his own account, for he was regarded as a worthy man, and was an acceptable miller to the whole neighborhood.

Question. Was his death regarded by the white people there as a loss to them?

Answer. Well, those that suffered from the loss; they regarded him as a good and trusty man and a responsible miller.

Question. His house was searched for the purpose of robbery?

Answer. It was searched, and there was no explanation except for an intended robbery.

Question. Was the arrest caused by negro testimony?

Answer. Yes, sir.

Question. There was some other man spoken of—I think a man by the name of William Hewey, as having been killed in that county.

Answer. There was a William Culver killed there; it must have been he.

Question. What information have you about that?

Answer. Nothing but what I have heard. He was killed, and there was a coroner's inquest held over him, but no clue has ever yet been found as to who did the deed, so far as I know. He was a very bad negro, notorious for violence. He had stabbed some men in a rencounter, and whether his death was the result of revenge on their part, I do not know; but it was not generally supposed so. He had gone out of the county. He had once lived in the county, but had gone to Washington County. When this happened he was going back on a visit, and stopped on his way at a house on the roadside, and a party of men went in there. They seemed to follow him from where he came; they came up from that direction. They shot him; that is what I heard about it from those who were at the coroner's inquest.

By the CHAIRMAN:

Question. Did suspicion fall upon any particular negro in the case of Long?

Answer. Yes, sir.

Question. Has he been arrested?

Answer. No, sir.

Question. No one has been arrested or punished except the two men you spoke of, one of whom fled, and the other is now under small bonds?

Answer. Yes, sir; it amounted to only a suspicion in regard to the negro, and there was no process taken out against him, because it was not thought there was evidence to justify even his commitment. You asked me if there was suspicion, and I answered that there was, but it did not amount to more than suspicion.

Question. Were negro people supposed to have killed Culver?

Answer. I never heard that.

ATLANTA, GEORGIA, *November* 3, 1871.

JOHN M. GREGORY sworn and examined:

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your profession.

Answer. I am forty-eight years old; I was born in Virginia, and now live in Rome, Georgia; I am a physician by profession.

Question. How long have you lived in Rome, or in Floyd County?

Answer. I have lived there since 1850.

Question. Has your profession caused you to go about through the county much?

Answer. Yes, sir; I have been practicing in the little city and in the surrounding counties.

Question. What has been the condition of things there for the last two or three years, as to lawlessness and violence, especially by disguised bands of men marauding at night?

Answer. Well, sir, as to my personal knowledge, my positive knowledge of such a thing, I cannot say that there has been any band of that sort. I have not seen any myself.

Question. Well, speaking from information that you deem to be reliable and which you believe, how has the fact been?

Answer. At one time there was some disturbance in the country; well, during this year I believe.

Question. What was the character of that disturbance?

Answer. It seemed to be among the negroes mostly; negroes came to town complaining that they could not stay in a particular part of our county.

Question. Why could they not stay in the country?

Answer. The reason seemed to be that they were afraid of Ku-Klux or what was called Ku-Klux.

Question. Did they complain of having been visited and abused by them?

Answer. Sometimes they did; I have heard of their complaining, but they have not complained to me.

Question. Have you heard of any being killed in the county as well as whipped and scourged?

Answer. No, sir; I think not.

Question. You have not heard of any being killed?

Answer. No, sir.

Question. Was there a negro shot in your town some time back?

Answer. Yes, sir; but I think not by disguised men; I do not think anything of that sort has been done there.

Question. How has it been in the neighboring county of Chattooga?

Answer. Well, there has been a great deal of excitement there, from what I have learned.

Question. What are we to understand by the term "excitement?"

Answer. That sort of fear and excitement among the negroes of the character I have been speaking of.

Question. Is it believed that many instances have occurred in that county of this lawless violence?

Answer. Not a great many that I have heard of.

Question. What is the opinion in your county with regard to a secret organization bound together by oaths and signs and other means for the purpose of doing, and who in point of fact do commit, these acts of violence?

Answer. Some believe there is such an organization, others have a different opinion. For my part, I cannot say that I believe or disbelieve it.

Question. You are not satisfied in your own mind from the evidence you have how the fact is?

Answer. No, sir.

Question. Have people talked freely about it; have they expressed their opinions freely about the Ku-Klux organization?

Answer. About the propriety or impropriety of it, do you mean?

Question. Yes.

Answer. Yes, sir.

Question. Have they talked openly and publicly?

Answer. Well, I do not not know that I can say they have talked publicly. I will say that in conversation gentlemen generally expressed their opinions. There has not been any public demonstration.

Question. How has that opinion been; in condemnation or in pallation and excuse, or in both ways?

Answer. In both ways.

Question. What has been the influence of the press of your county, do you think, in suppressing and restraining these disorders or otherwise?

Answer. Well, sir, I am sorry to say that I do not believe they have done much toward suppressing them; they have rather excused them.

Question. Have the courts accomplished anything in that way?

Answer. I have heard of but one effort being made, and that was at the last term of the court, a few months ago.

Question. Was that a successful effort, or a failure?

Answer. I think it failed; that is my opinion.

Question. What has been the effect of these marauding upon the labor of your county?

Answer. I think it has been injurious to some extent, not very greatly so; well, I would say for a part of the time only. At one particular time there was a great deal of fear, more than at any other time.

Question. Do you know whether any plantations have remained uncultivated the present year from inability to procure labor?

Answer. No, sir; I do not.

Question. You are not aware of that fact?

Answer. No, sir.

Question. How have these acts of violence compared in frequency since the passage of what is called the Ku-Klux bill with the acts that occurred before that time?

Answer. I think I have not heard of it in our county since the passage of that bill.

Question. Do you know a man by the name of Bryant, who lives in the neighborhood of Rome?

Answer. Yes, sir.

Question. Do you know anything about his having had some of his hands whipped and driven away?

Answer. Well, only what he told me.

Question. What was his information to you?

Answer. I practice physic for him. I think he remarked to me that some persons had gone to his house and whipped two of his hands, and driven them away; that, perhaps, was during last spring.

Question. Have you yourself taken part one way or the other, either in suppressing these acts, or?——well, I will not ask you the other alternative.

Answer. You can ask it in either way. I have not made any effort except ——

Question. In other words, you have been a quiet and passive observer?

Answer. Yes, sir; that has been my course.

Question. Have the efforts that have been made by various parties to bring these marauders to justice called forth censure from your press upon any portion of your citizens?

Answer. Well, sir, the press has rather condemned it; the tone of the press having been one of condemnation. Let me explain about this Bryant matter. Is it proper for me to state the reason why those negroes were whipped?

Question. Certainly.

Answer. I asked Mr. Bryant why those negroes were whipped, and he said he could not imagine unless it was because there was a woman on the place, staying with those negroes, who claimed to be a negro woman, and these men said she was not; they gave that as an excuse to the negro for whipping him.

Question. She claimed to be a negro?

Answer. She claimed to be a negro woman.

Question. Of negro descent?

Answer. Yes, sir.

Question. She was really a very light-colored negro?

Answer. Yes, sir.

Question. And thereupon they came there and whipped those persons?

Answer. Yes, sir; for having her there.

Question. Do you know how many there were that came there?

Answer. I do not.

Question. Were they disguised?

Answer. I think they were disguised; that is my impression.

Question. That was last spring?

Answer. I think so.

Question. Were they living on Mr. Bryant's land?

Answer. Yes, sir; and he had them in his employ.

Question. Was he a respectable man?

Answer. Yes, sir.

Question. A good citizen there?

Answer. Yes, sir. He has not been there a great while, but he is a very worthy, clever man.

Question. Is he a northern man?

Answer. No, sir; he came there from Alabama. He bought a plantation some three years ago, and he is a very worthy, good man.

By Mr. BAYARD:

Question. The case which you have stated upon Mr. Bryant's information of the whipping of those two black men on his place, was one where the reason was given that those black men were living with a woman who was reputed to be a white woman?

Answer. They had a woman living with them.

Question. Living with them adulterously?

Answer. Not that I know of.

Question. Was she married to either of them?

Answer. One of the men was an old man, and the other was a young man.

Question. Was she living with them?

Answer. They had her in their employ picking cotton for them.

Question. And the reason urged for this act was that she was living adulterously with them?

Answer. Yes, sir.

Question. You have been a practicing physician there?

Answer. Yes, sir.

Question. For many years?

Answer. For twenty years?

Question. And your business takes you out at all hours of day and night in such a country?

Answer. Yes, sir.

Question. And during all that time you say you have not seen any of these disguised bands?

Answer. I never have.

Question. You have said that you had no personal knowledge whatever of any of these disguised bands?

Answer. Yes sir.

Question. You have been asked if you had any opinion respecting the existence of disguised bands, and you said you had none?

Answer. Yes, sir.

Question. You were then asked if you had any opinion of the opinions of other people. Is that what you have given as your testimony?

Answer. My opinion is based upon what I have heard.

Question. Upon other people's opinions?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Upon their opinions, or upon their statements, which?
Answer. Upon their statements.

By Mr. BAYARD:

Question. Were you not asked about the opinions of other people in the community?
Answer. Yes, sir.
Question. Is your community there generally peaceable and orderly?
Answer. Yes, sir; as much so as any city of its size.
Question. Do your people live happily and friendly with each other?
Answer. Yes, sir, generally.
Question. Do you believe there is a general protection of person and property and a general sense of security felt there?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know Mr. Foster, deputy sheriff of your county?
Answer. Intimately.
Question. Do you know Mr. Burnet, of your county?
Answer. George Burnet; yes, sir.
Question. Do those men live in parts of your county where they would be enabled to know pretty well the condition of things in the county?
Answer. Yes, sir; Mr. Burnet is now in this place, and has been for some time.
Question. He is a planter there?
Answer. Yes, sir; they are both planters there.

ATLANTA, GEORGIA, *November* 3, 1871.

WILLIAM BURNET sworn and examined.

The CHAIRMAN. You will please commence the examination of this witness, Mr. Bayard, he having been called at your instance.

By Mr. BAYARD:

Question. At my suggestion you have been asked to come before this committee The duty imposed upon this committee by the resolution of Congress was to examine into the condition of the State of Georgia, and other States, as to the security of person and property within her borders. I desire, as far as I can, to obtain from you that information. As I have not had the pleasure of seeing you before, I will ask you to make your own voluntary statement now, rather than to interrogate you particularly about the matter, although I will ask you some questions about it. Of what State are you a native?
Answer. Of Ohio.
Question. When did you remove to Georgia?
Answer. In the fall of 1866.
Question. What has been your profession in life?
Answer. I have followed no profession. My father, who perhaps you knew by reputation, Judge Burnet, of Ohio——
Question. Formerly a Senator of the United States?
Answer. Yes, sir, and judge of the supreme court of Ohio for many years. He left a large property, and until not a great many years ago I enjoyed my portion of that estate. I was then unfortunate in losing the principal part of it. Since then I have been—perhaps I might call myself a farmer rather than anything else, though I do not farm a great deal. I am living in the country.
Question. Upon your own land?
Answer. Yes, sir; I have a small farm.
Question. Have you held any office under the United States Government?
Answer. I was special agent in Natchez of the Treasury Department during the war
Question. Since you came to Georgia have you occupied any official position?
Answer. No, sir.
Question. With what party have you acted, and to which do you now consider yourself attached?
Answer. I was born a whig, but during the war I was a republican. I had two sons in the Army.
Question. Do you continue at this time to affiliate with that party?
Answer. Not altogether; since the war there are some measures of the party that I do not assent to.

Question. Whom did you support for the presidency?

Answer. I have not voted for a number of years, except in one local election, since I came here, in which was involved the question of removing the county seat. I have held myself aloof entirely from politics since I have been here, and have taken no part in it.

Question. You have lived here since 1866?

Answer. Yes, sir.

Question. How have you found the condition of things around you, as affecting the security of person and property?

Answer. Do you mean when I first came here?

Question. Now is the more particular period about which we are inquiring.

Answer. When I first came here there was a great deal of disorder and a great deal of anxiety. I was advised, and no doubt correctly advised, not to leave my home without being armed, advice which I followed for some time, although it was out of my usual custom. But latterly I think that the state of things has quieted down very much, and in my neighborhood I am not cognizant of any disturbance at all, because, so far as I know, our people are all quiet.

Question. You have become a citizen of Georgia?

Answer. I have voted here once.

Question. Where do you reside?

Answer. Within a short distance of Decatur.

Question. How far from Atlanta?

Answer. Directly, I am not more than five miles from Atlanta, but to go to my house by the route I am compelled to go, it is about eight miles.

Question. Have you been molested in any way since you have been here?

Answer. Personally?

Question. Yes.

Answer. Not at all, unless in a little suit I had here before the court. A verdict was given against me because they understood I was "a damned Yankee."

Question. When was this?

Answer. Soon after I came here. A trifling fellow I had employed to do some work for me had enticed me into paying him in advance. He loitered away his time until I discharged him, and then afterward sued me, claiming an excess due him.

Question. What was his color?

Answer. He was a white man. I was told, though I proved the case, as I thought, very conclusively, that the first thing said by one of the jury after they retired into the jury-room was, "Here is a damned Yankee who has come down here and wants to cheat this confederate soldier out of his wages." A motion was made to give him a verdict of $50, and they wanted to give it.

Question. How much did he claim?

Answer. His claim was $150.

Question. And they gave him $50?

Answer. They wanted to give him $50; but finally they gave him $8.

Question. You consider it was an erroneous verdict?

Answer. He really owed me $12 over and above his work. His plea was that he had lost all his tools in the war, and that he could not work unless I advanced him money to buy tools, as I did. And then his plea was that he had been in my employ for three months. I had notified him that I would call him when I needed him, and he claimed pay for all that time. I put him on the stand, and proved by his own testimony that without consulting me at all he had in the mean time been working for others and receiving pay for it.

Question. Was that the only instance of the kind?

Answer. Yes, sir.

Question. Have you observed the colored people of your neighborhood?

Answer. Yes, sir.

Question. What do you find is the general treatment of them by those who employ them?

Answer. In my region of the country they are treated very well; they get good wages. Their wages are, I think, abundantly ample, a dollar a day for farm hands, and for mechanics $2 and $2 50 a day, and not very efficient laborers at that. I have not heard of a single case of any one being molested from any controversy growing out of race or color.

Question. I will ask if you are aware of the existence of colored schools in your neighborhood?

Answer. There have been colored schools in the neighborhood.

Question. Do you know by whom the land has been given and the school-house erected, and by whose aid it has been fostered?

Answer. I cannot speak with certainty as to that. Mr. Dobbins owned the house in which the colored school was kept, but whether it was a gratuitous occupation, or whether they paid him rent, I am not aware.

Question. Do you know anything of Colonel Alston having aided them?

Answer. I know he has been liberal in various instances. I myself subscribed a small sum to aid them in building a church, and I know that Colonel Alston's name was down for a larger amount than mine. I am now giving them some timber off my land for the building.

Question. Do you know of any donation of land by Colonel Alston?

Answer. Only from hearsay.

Question. Are you aware that there is quite a flourishing colored school on his premises?

Answer. There was at one time; at least I have so understood.

Question. Do you know of its present existence?

Answer. I have not heard of it recently.

Question. Have you heard of any acts and operations by disguised bands in your neighborhood upon the people?

Answer. Not at all.

Question. You have been here since 1866?

Answer. Yes, sir.

Question. I will ask you not only of your own knowledge, but whether you have reliable information from people of character of any such things?

Answer. I have not. The day I received the notice from this committee I had an old fellow working on my place, a negro man, who has made a small improvement on a part of my land, and who has made a crop for himself this year. From what I have seen of him I regard him as perhaps as reliable as any of the negroes I have seen about me. He was at work on my place when this notice was brought to me. Soon after, I walked out and asked him what he thought on that subject about his people in the neighborhood; whether he had heard of any molestation or annoyance. He told me that there was nothing of that sort there at all; that he had met with nothing of the kind, but that he had heard reports of them.

Question. Where he came from, or in some other part of the State?

Answer. He said he had seen nothing of the kind himself; nothing since he had been in our neighborhood.

Question. I have asked you to come here because you are a gentleman of northern birth, and supposed to entertain no prejudices particularly for or against all the people of the State, I may say. Therefore, as we are inquiring about this matter, I thought you would give disinterested testimony upon the subject. I understand you to say that you have never heard or known of any cases of injury to people, black or white, by disguised bands raiding through the country?

Answer. Nothing of that sort in this neighborhood.

Question. Your community is a peaceable and secure one?

Answer. Entirely, in that respect.

Question. Do you believe the negro people can live where they please and earn an honest livelihood without disturbance?

Answer. Yes, sir; there are several of them who have purchased little homesteads there from white persons.

Question. I want to ask you about that. Do you know of any southern men in your neighborhood who have encouraged the negroes to invest their money in small pieces of land?

Answer. Yes, sir; I think Mr. Mason has, for one; I think he has sold two or three, perhaps more, small lots to colored men.

Question. Do you recollect whether that has been the policy of Colonel Alston, who, I believe, is a neighbor of yours?

Answer. I do not know that the colonel has sold any land. He has settled families on different parts of his farm, and provided them with stock and farming utensils, with cows, chickens, and things of that sort, reserving to himself a proportionate interest in the profits; I know he has assisted them a great deal. When I first came down here he was a great deal embarrassed in his finances, and from his advances to his colored people in trying to get them a support. Without being absolutely certain, my impression is that Captain Candler, a member of the State senate, has sold, or if he has not sold, he has been the negotiator for selling, lots of land to negroes.

Question. Then, among those gentlemen you have mentioned—southern men I understand?

Answer. Yes, sir; they are southern men.

Question. Among them there has been manifested a disposition to induce the colored people to settle upon land and conduct its culture independently, and to assist them by the loan of money, and in other ways, to get on?

Answer. Yes, sir; I think so. I do not say that is the universal rule, but there have been individuals who have done so.

Question. Do you know frequent cases of that kind?

Answer. There are several cases.

Question. Were not the southern men here generally very much impoverished by the results of the war?

Answer. Yes, sir; very much so.

Question. I understand you to say that Colonel Alston's embarrassment was in part from his giving assistance to negroes?

Answer. Yes, sir.

Question. Do you know a man by the name of Jethro Wood? I think he has a store.

Answer. I have not been accustomed to hear his last name, Wood; I have seen Jethro repeatedly.

Question. What is his business?

Answer. He has bought himself a little piece of land in the outskirts of Decatur, and I think he has built a small store, and is keeping a little grocery there.

Question. He has been enabled to do this by the pecuniary aid and indorsement of his credit by his former master, Colonel Alston?

Answer. I could not say that I know the fact, but I suppose I know the circumstances and relations between them well enough to be satisfied it is so; but I cannot say that I know the fact. Jethro's wife was Mrs. Alston's maid, and a favorite servant, and they have been certainly very kind to them. I think it is more than probable, for the colonel is a generous, off-handed fellow, that he has assisted him often with money; but I do not know the fact.

Question. Colonel Alston was in the confederate service during the war?

Answer. Yes, sir, very actively. He fought through the whole war. I think he told me he was in most of the battles, from the first to the last.

Question. Then your contribution to our information is that, in your section of country, all is peace and quiet?

Answer. Yes, sir.

Question. A man can repose there under his own vine and fig-tree, and not be afraid?

Answer. There is no trouble in our region of country, in my neighborhood—none at all.

Question. With regard to men of all colors and of all races?

Answer. Yes, sir. I am speaking of trouble between the two races. Once or twice during the elections that have been held, I have gone over, as a looker-on, and the colored men have been there and voted without molestation. Sometimes the whites have given them the first chance, and in some cases the two colors have mingled together.

Question. There was no intimidation of negro voters?

Answer. I have seen no evidence of it.

Question. What is the preponderance of voters there?

Answer. It is democratic.

Question. What is the preponderance as to color?

Answer. The white vote is much the largest.

Question. Do you know who was nominated by the republicans at the last election for legislature?

Answer. I think his name was Willingham.

Question. What is he?

Answer. I think he is a grocery-keeper. I was told he was not a man who had a very reputable character in private life.

Question. Was he a colored or a white man?

Answer. He was a white man.

Question. And not of reputable character?

Answer. So I was told. I would not say a dishonest man, or anything of that sort, but a man of rather low associations.

Question. Are there many white republican votes cast in that district?

Answer. Very few.

Question. Do you know of any that were cast there?

Answer. No, sir. I think Mr. Mason, if he votes at all, votes the republican ticket. Mr. Swanton votes the republican ticket, and, of course, his son agrees with his father. I do not know of any other. My acquaintance is not large in the county.

By the CHAIRMAN:

Question. You say there are no charges against the personal honesty and integrity of Mr. Willingham?

Answer. I don't think I have heard of any.

Question. He does not belong in this country to what is called the gentility?

Answer. That, perhaps, is as fair a definition as could be given. He is not a man of refined associations. This I do not know personally; I only say it from hearsay.

Question. He is not admitted into what is called society?

Answer. Well, society here is a good deal mixed. They admit people into good so-

ciety here that in our part of the world would not be admitted into good society. The distinctions here are not so closely drawn.

By Mr. BAYARD:

Question. Do you mean by that that mechanics, and persons of that class, mix with gentlemen?

Answer. Yes, sir; more closely than in the Northern States.

Question. Mechanics are more upon an equality with the gentlemen of the country than in the Northern States?

Answer. Yes, sir; they are admitted more as equals than in the northern States. There are fewer social distinctions here; they are not so closely drawn.

By the CHAIRMAN:

Question. How is it with men engaged in any sort of productive labor; are they received and recognized in the parlance of the country as gentlemen?

Answer. Yes, sir; generally I think they are.

Question. You have a family, I presume?

Answer. Yes, sir.

Question. A wife and sons and daughters?

Answer. Yes, sir.

Question. How have they been received here by the society that you found when you came here?

Answer. My son Edward, who is now a young man of nineteen, is a very great favorite in Decatur, and in the families there; he visits very socially with the larger proportion of them. As for myself, I have not mingled a great deal with society since I have been here, but the treatment I have received has been good.

Question. How is it with your wife and daughters?

Answer. The treatment they receive is cordial, so that we cannot complain at all, from those we choose to associate with.

Question. Who have taught these colored schools, of which you have spoken; what sort of persons?

Answer. It was a white clergyman from Boston, when I knew more about the schools than at any other time; his name was Sisson.

Question. How was he received and regarded?

Answer. He complained to me that he was not well treated personally; I do not know of the fact. Well, perhaps I ought to qualify that a little. I was a passenger with him in the cars from here to Decatur and back two or three times, and I noticed that no one took any notice of him; further than that I did not see any objection.

Question. Was he a reputable gentleman?

Answer. He appeared to be so.

Question. A man of cultivation?

Answer. Well, sir, not of high cultivation.

Question. Of what denomination of Christians was he clergyman?

Answer. I am not sure, but I think he was a Congregationalist; he was a protestant.

Question. Had he not been what is called liberally educated; had he not received a collegiate education?

Answer. I think not; he told me he had been a clerk in an apothecary store until he had grown quite to maturity, or nearly so, and then, when he became a religious man, he changed his profession and devoted himself to the ministry. That was the account he gave me himself.

Question. You think he had not received a collegiate education?

Answer. I should think not.

Question. Had he received a theological education?

Answer. I think he had.

Question. Is he a man who demeaned himself in accordance with the high profession he had adopted?

Answer. Entirely, so far as I knew. I met him several times; I called on him once.

Question. Was anything alleged against him so far as you know, excepting the fact that he was what you have spoken of, a Yankee, and was teaching what is sometimes called a "nigger school?"

Answer. I think he was a candidate for office at one of the elections.

Question. Do you recollect what office?

Answer. Without being positive, I think it was clerk of the court; I did not vote at the election, and will not be positive about that.

Question. Was he censured a great deal for being a candidate for office?

Answer. I did not hear many speak of him; I heard some speak of him, and they found a great deal of fault with him for using his position for the purpose of obtaining office.

Question. Was there any other allegation against him?

Answer. I heard of none.

Question. How long did he remain there?
Answer. I think he left last year.
Question. Is there any one teaching the colored people in your neighborhood now, in your town?
Answer. I think there is a free school there in which negroes are taught.
Question. Do you know who is teaching it?
Answer. I do not.
Question. Do you know whether a white person or a colored person is teaching it?
Answer. No, sir.
Question. Whether a man or a woman?
Answer. I do not know.
Question. You live within five miles of Atlanta in a direct line?
Answer. Yes, sir.
Question. So far as you have been able to discover, what is the feeling of the citizens and of former residents here, toward the Government of the United States; is it one of friendship or of hostility?
Answer. Well, sir, I think there is a great deal of rebel feeling existing in the country.
Question. How does it manifest itself?
Answer. More in conversation; complaints of oppression, and in former times of military rule, and now of the constitutional amendments, more particularly in regard to negro suffrage than any other thing. That, I think, is the sorest point with those with whose sentiments I am familiar. I think negro suffrage is the bitterest point with them.
Question. I understand you to say that the negroes in the main, and perhaps universally, have been fairly and equitably treated?
Answer. Very well treated.
Question. And you have had no trouble?
Answer. No, sir.
Question. There have been no difficulties, and things have gone along smoothly?
Answer. Yes, sir; and so far as I know their wages have been promptly paid.
Question. This colored man you spoke of who was living on your place——
Answer. Uncle Bob Tuggle.
Question. He told you that where he came from he understood there had been troubles?
Answer. In the eastern part of the State; that he had heard since he had been here that there were troubles there.
Question. Do you know what county he came from?
Answer. No, sir; he told me, but it has escaped my memory; one of the eastern counties.
Question. You have not yourself taken any part in politics since you have been here?
Answer. No, sir.
Question. You have spoken of your reduced fortunes; you were able, when you came here, to purchase property and pay for it?
Answer. I was able to purchase this small amount of property, but I had lost my property before the war began.
Question. I mean you were able to purchase and pay for such property as you had?
Answer. Yes, sir; I had a small amount left.

By Mr. BAYARD:

Question. You were asked about this schoolmaster, the teacher of a colored school; when did he come here?
Answer. I think he was here nearly two years.
Question. He left here a year ago?
Answer. About that time, I think.
Question. Then he came here in 1868?
Answer. Without speaking positively, I should say about that time.
Question. Do you know who procured him to come; who were the persons who got up this school and induced him to come and teach it?
Answer. I think I understood he was sent by some charitable gentleman in Boston, in the first place.
Question. Was that school fostered by the gentlemen around you in your neighborhood?
Answer. I think it was; it was so far encouraged that, at all events, it was certainly not molested.
Question. Were there any donations made in favor of it, or in aid of it; was it not approved and encouraged by the people of your neighborhood?
Answer. I cannot speak of my own knowledge; but I think it was.
Question. How long after that gentleman had become a teacher of these people did he become a candidate for office?
Answer. I think that was just before he went away.

Question. And the fact that he was charged with having used his position as teacher of those children to advance his political interests was the cause of the coldness toward him?

Answer. I think so; that is my impression.

Question. You have been asked something in regard to manual labor performed by southern men; you were asked whether manual labor excluded a man from society in this section of country; I will ask you whether your experience is not directly the opposite?

Answer. That they are not excluded?

Question. That they are invited into society, and more respected because of their industry and labor?

Answer. Well, sir, if I understand your question correctly, I must answer in the affirmative. I do not think any man here is looked upon as proscribed at all from the fact of his being engaged in productive labor. But in our part of the world, in the North, the men who follow certain occupations of labor are generally uneducated and illiterate men, men of lower associations and lower habits, and people of the refined classes do not associate with them. As I have said, I do not think that distinction is kept up here to the same extent it is in the North.

Question. Do you mean that men who work upon their own farms with their own hands, and mechanics, are admitted to the society and tables of gentlemen and ladies in Georgia?

Answer. Yes, sir.

Question. And you think those same men would not be so admitted in the northern States?

Answer. Well, sir, we might invite them to our table in the North, but we would not make them our associates.

Question. Not to the same degree as here?

Answer. No, sir.

Question. Have you not known, here in Georgia, cultivated ladies working with their own hands for their livelihood?

Answer. Yes, sir.

Question. Refined women, and women of culture?

Answer. Undoubtedly so. I know some ladies who, I think, are as refined and as lady-like persons as I ever knew in my life, who perform personal labor here.

Question. Do you know families in your neighborhood, men formerly of wealth and now of reduced fortunes, where the daughters of the family perform all the menial services in the house, and also work among the stock, the horses and cattle, as servants did?

Answer. I know ladies who, in some cases, take in sewing and embroidery work, and things of that sort.

Question. Is there any loss to them of social position because of the performance of such duties?

Answer. I think not.

Question. Are they not treated with the same respect that they ever were?

Answer. I think they are.

Question. Do you not know, in your neighborhood, a great many men who, by the fortunes of war, have been reduced in their circumstances, and who are compelled to maintain themselves by their personal and manual labor?

Answer. There are very few exceptions to that rule, I think.

Question. Then the rule is, that the gentlemen around you do work with their own hands upon their farms?

Answer. Mostly so; professional men do not, perhaps. But the men who were farmers before the war, owning their laborers, are now, in a majority of cases, I presume, doing their own labor.

Question. With their own hands?

Answer. Yes, sir.

Question. You have been asked about soreness of feeling in this country?

Answer. About which?

Question. You spoke of the sore feelings existing on the part of the people of Georgia in respect to the operations of the Government of the United States; among other things, you mentioned their great disinclination to, and dissatisfaction with, negro suffrage.

Answer. Yes, sir.

Question. Is there not also a feeling in regard to the disfranchisement of many of their best men, and their exclusion from rights of citizenship?

Answer. O, yes, sir; very decidedly.

Question. In your opinion as a citizen, what would be the effect of a general measure of amnesty and oblivion by the Government of the United States as to all political offenses?

Answer. I think the effect of it would be quieting, very much indeed.

Question. You think it would be very gratifying to the people of Georgia?

Answer. There is no doubt about it in my mind.

Question. Do you think it would tend to restore a feeling of kindness and fraternity toward other sections of the country?

Answer. I think so.

Question. It would restore friendly feeling?

Answer. Yes, sir.

Question. The chairman of the committee, in asking you a question, used the term "hostility to the United States." Do you understand the feeling to be one of hostility, or a feeling of soreness, growing out of the circumstances you have mentioned?

Answer. I would say a feeling of soreness rather than of hostility, though there are cases, I have no doubt, of men who are extremely hostile to the Government.

Question. Individual cases?

Answer. Yes, sir, where the hostility is extremely bitter. But take the community, so far as I know it in this region of country, I think that perhaps the term "soreness" would express my idea more accurately.

Question. You think that is caused by the reasons you have mentioned?

Answer. I think it is.

Question. You think there would be a great amelioration of their feeling by the passage of a measure of amnesty?

Answer. I think there would.

Question. You think it would be a wise act on the part of the Government of the United States?

Answer. Yes, sir.

Question. And bind the people of Georgia more strongly to their allegiance to the Government?

Answer. That is my impression.

Question. You have been living here for some five years; have you observed in your section, where you say all is quiet and peaceable, a disposition on the part of the colored people to flock to the towns?

Answer. Yes, sir.

Question. State what your experience has been in that respect, in regard to their leaving the manual labor of the farms for the other occupations which the towns afford.

Answer. The impression upon my mind has been that they have gone to the towns with the idea that they can there acquire a livelihood with less severe labor than they can on the plantations. They also come here from the natural tendency of the negro to congregate in crowds.

Question. You have observed that as one of their characteristics?

Answer. Yes, sir, that is one of their characteristics; they are fond of crowds and shows, and all such things as are going on in cities; and they pick up a livelihood in cities without any persistent labor, with more facility than they can in the country.

Question. You think they have an objection to steady labor?

Answer. Yes, sir; and there is a want of providence in taking care of their earnings. Perhaps they may get over that in time, but at present their great passion is to spend as soon as they get anything.

Question. And they rush from the country to the towns in order to gratify those tastes which you have mentioned?

Answer. Yes, sir, I think so.

Question. Have you observed that from the country around you they flock here to Atlanta?

Answer. That has been the impression created on my mind.

Question. Do you find, as your experience among them, that they prefer the lighter and more precarious labors of the town to the steady labor needed for agriculture?

Answer. Decidedly. Of course there are exceptions.

Question. As a general rule how is it?

Answer. As a general rule that has been my observation.

Question. Is that how you would account for the presence of so many blacks in and about Atlanta?

Answer. I think that is the chief cause of the congregating of so many here.

Question. And in the portion of the country with which you are acquainted, they have left and come to the city, from the causes you have stated?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say they have left your neighborhood and come to Atlanta?

Answer. Some of them.

Question. Do you know whether Atlanta has been a sort of city of refuge to the colored people for the last two or three years, and that they have resorted here to escape the bad treatment that they received in the country?

Answer. Not to my knowledge.

Question. Have you communicated with leading men of that race so as to know their opinions?

Answer. No, sir.

Question. You say this teacher of a colored school complained to you of his treatment; was that complaint made before he became a candidate for office?

Answer. I think it was. His complaint was that he was not socially recognized as a clergyman; he said the clergymen would not associate with him as a brother clergyman, and the people would not invite him to their houses.

Question. That was before he became a candidate for office?

Answer. Yes, sir.

Question. Was not the fact this: That he found his business of teaching was unremunerative, and that he was obliged to resort to something else in order to support himself, and he tried to obtain this small office with a view of eking out his subsistence?

Answer. I could not speak of my own knowledge about that.

Question. Do you know in fact how much he received for teaching?

Answer. No, sir.

Question. You have been asked about what those people there have done for the support of schools; do you know that they ever paid one cent for his services as teacher?

Answer. I have said I do not know it of my own knowledge.

Question. Do you think they did pay him anything?

Answer. I think they assisted the schools.

Question. That is true; but they could do that without paying him for his services.

Answer. I admit that; I do not know about that.

ATLANTA, GEORGIA, *November* 3, 1871.

Z. B. HARGROVE sworn and examined.

By the CHAIRMAN:

Question. You are the same gentleman who was examined before the committee in Washington in the month of July last?

Answer. I am.

Question. Testimony has been given before this committee to the effect that a reward offered and paid for the arrest and conviction of certain persons in Chattooga County had been distributed among several persons, and that you had received a portion of it, some $1,300. That is the statement made here, based upon rumor and without any profession of a personal knowledge of the fact. In justice to yourself, I would like to hear what you have to say in regard to it.

Answer. I can state to the committee that at no time have I received any portion of that reward. I knew nothing of the prosecution of those parties for which that reward was made until after my return from Washington, I think. After I went home there was considerable said in reference to it in the press. It was brought directly to my knowledge in this way: the solicitor general of my immediate circuit having been charged by the press of Rome with having conspired with those parties to obtain this reward, he called upon me as his friend to go with him and see the editor of the Rome Commercial, and to demand of him an explanation of his charges, or an immediate retraction. That was done. I then went with him to Chattooga County, to the parties who had procured this reward, all of them being prominent democrats in the county of Chattooga. They gave him a written statement, as well as affidavits to the governor, to the effect that they were the only parties that received the reward, and that neither Colonel Forsyth nor Major Burnet, who, I believe, was also charged with getting a portion of it, had received any portion of the reward as such. The matter was all made public in the press at the time. Never until yesterday had I ever heard that anybody had insinuated that I had received any portion of it. I can state to the committee that I was a little surprised myself when I heard of it, for I have never received to the amount of one cent of it.

Question. The payment of this reward was made while you were absent from the State, in attendance on the committee in Washington?

Answer. Yes, sir. The parties interested in this reward are the now acting sheriff of Chattooga County, and two ex-sheriffs of that county, prominent democrats, and all of them good men.

Question. Perhaps you have had an opportunity to learn something of the character of that prosecution?

Answer. Well, yes, sir.

Question. It has been suggested that it was a simulated case, a fictitious prosecution, gotten up for the purpose of securing the reward, and that the parties were not in fact members of the Ku-Klux organization.

Answer. Well, as to its being a fictitious prosecution, that is not true. I can state to the committee that one of those men himself told me, as well as made an affidavit, that he was a member of the Klan in Cherokee, Alabama. I know that he gave me the names of several parties who aided and assisted in releasing him from confinement in the calaboose at Tryon Factory, for the reason that he was a member of the Klan. He gave me the names of several parties who were present at that time. One of the men convicted with him gave me the names of some parties, and stated that he had himself been engaged in two raids made by the Ku-Klux, one of which was the raid made at Rome, in which one party was badly shot, one severely beaten, and one woman badly abused. It was on that statement, made by him in an affidavit, that Governor Bullock concluded to pay the reward to those parties. They were convicted, however, of a different offense, having been tried before two juries, one of which acquitted them, and the other convicted them. The parties themselves made an affidavit, one of them that he, with one of the other parties, was present at the disturbance in Floyd County, for which a reward was offered by the governor. It was on that affidavit and that statement of facts that the governor concluded to pay the reward, as I have been informed by those parties who got the reward. I myself gave the governor the specifications upon which was founded the proclamation offering a reward for the parties engaged in that outrage. While I have thought the rewards were too high, that they were larger than probably they ought to have been, I thought they probably might be at least a means by which this lawlessness could be suppressed.

Question. What was the name of the one who had been rescued at Tryon Factory?

Answer. His name was Epps.

Question. What was the name of the one who was in the raid in Rome?

Answer. His name was Payton; he is now in jail in this place, I think.

Question. Was the party killed who was shot at Rome?

Answer. No, sir; he was shot with a double-barrel shot-gun; I think he said with buck-shot. He came to me the night he was shot, he and the old man who was beaten. One of them was very severely shot in his right side and right arm, I believe, and the other was very badly beaten over the head with a gun.

Question. Were they colored?

Answer. Yes, sir.

Question. You say a woman was beaten?

Answer. The wife of one of those parties was beaten.

Question. Did you ever confer with Mr. Forsyth, the solicitor general for that district, on the subject of the character of those cases in Chattooga County, whether they were genuine Ku-Klux cases or fictitious cases?

Answer. Well, yes, sir; we are very intimate friends. It might be proper for me to state that the governor's proclamation offering a reward was not one for Ku-Klux, but for any parties in disguise committing crimes. When I wrote to the governor, I stated that it would be well for him to be very cautious in offering these rewards, as there might be a put-up job on him, and that he should not pay any reward for any less crime than a felony. I did not want to see any advantage taken of him. Being interested in trying to suppress the lawlessness in that immediate section, I did not want any advantage taken by corrupt men who might form a combination for the purpose of getting those rewards. I therefore stated to him that I desired him to so word his proclamation as to permit no reward to be paid for anything less than a felony, and none to be paid except upon the conviction of the parties.

Question. Do you know whether he made examination and exercised precaution in the matter before he paid the reward?

Answer. I think he did. I think he paid the reward with the full understanding that those parties were not convicted upon the direct proclamation made by him, offering a reward for certain specified outrages. But those parties, having been put in the penitentiary for several years for another offense, and having pleaded guilty of committing offenses while in disguise, he thought it was good policy to pay the reward.

Question. What do you think was the effect of those proclamations upon such acts of violence in the community?

Answer. I might differ with some very clever gentlemen in my immediate section of the country. As I have said before, I have thought the governor offered a little too high a reward; however, I will not make any particular quarrel with him about that.

Question. Had the governor any other resource at his command to ferret out and bring to justice such offenders, except the offering of rewards?

Answer. I think he had none. I know it was at the request of a great many clever gentlemen in my immediate section that I went to see the governor about this offer of rewards, thinking it would have a good effect.

Question. You say you know the parties who in this particular case did receive the rewards?

Answer. Yes, sir; the now acting sheriff, Harris Garrett, together with Mr. J. C. Cleghorn and Mr. Wyatt, two ex-sheriffs.

Question. Were they elected by the people?

Answer. Yes, sir.

Question. Were they known democrats?

Answer. Yes, sir; Breckinridge democrats with myself.

Question. Were they reputed to be honest men?

Answer. I do not think men can stand any better in my section of the county than they do.

Question. State whether any portion of the community there, and if so what portion, have united in censuring the action of those men, and in promulgating the idea that this was a fictitious case, that these parties were not Ku-Klux, and that it was a fraud practiced upon the public treasury, and implicating Mr. Forsyth and yourself as being parties concerned in getting the money.

Answer. I do not know anything except the statement made by the two papers in Rome, all of which has been retracted by them, and the retraction made public to the world. I believe that at one time there was an opinion with some clever parties in my immediate home that this was not altogether fair and right, but I think that opinion gave way when the facts in the case were made known.

Question. There is another matter which has been before us for consideration in connection with some parties that were attempted to be indicted before the grand jury of your county, and the bills were returned not true. It has been intimated here that one reason of the failure to find those bills was, that a witness by the name of Penny was discredited, and the reason given for discrediting him was that you were understood to have bribed him with a sum of money, between $200 and $300, as well as I recollect, to make the statement he did. Have you any knowledge of that case?

Answer. I myself swore out the warrant under which Mr. Penny was arrested and others sought to be arrested. That was for the perpetration of some crimes mentioned in this same proclamation, or perhaps in another proclamation offered afterward; I believe, upon reflection, it was another proclamation. The parties were presented to the grand jury of Floyd County—I believe to two grand juries—one of which made no report, and the other grand jury refused to find a true bill. Mr. Penny came to Rome with Colonel Foster, the sheriff of my county. I was notified that he was there, and I went to see him. I was very anxious to find out, so far as I could, the extent of the organization to which he was attached, and of which he himself admitted he was a member. He swore out an affidavit prepared by the justice of the peace of the Rome district, Mr. Perry, that he with several other parties (their names being mentioned in the affidavit) had committed certain acts of violence at several times, some time in February. At that time he was under arrest, and said that he was willing to plead guilty to the charge of assault and battery on an old colored man of the name of Patrick Miller, and his son, of the name of King Miller; that they took some guns from them, and very badly abused one of them. He gave bonds for his appearance at the superior court. The grand jury refused to find any true bill, and of course that was the end of the prosecution in Floyd. I do not know of my own knowledge any of the reasons that induced the grand jury to take that course. They had before them the plea of guilty of Mr. Penny, with his sworn statement as to the guilt of others. They had the testimony of parties identifying several of these men. I believe Judge Thomas was also before the grand jury, but I am not certain. I was informed by several members of the grand jury, Mr. M. W. Shropshire, the foreman, being one of the parties who so informed me, that the reason they did not find a true bill against those parties was because Governor Bullock had offered a reward, and for the further reason that some of the grand jury were opposed to finding a true bill against the Ku-Klux. Mr. Shropshire stated that to me in my office in the presence of myself and one or two other parties. As to my ever having said anything to Mr. Penny, or to any other parties that I know of about any consideration, it is untrue.

Question. You gave him nothing?

Answer. Not one cent.

Question. You offered him nothing and promised him nothing?

Answer. Nothing, except this, that if he would unite in good faith in bringing these parties to justice, I would recommend him to the charitable judgment of the community and of the court, so far as was in my power.

Question. It has been intimated here that that affidavit was written by you.

Answer. The one of Penny's?

Question. Yes.

Answer. It may, or may not have been; I do not remember. It was written out in Mr. Perry's office, and it may or may not have been in my handwriting.

Question. You do not know how that is?

Answer. I do not remember, but I could tell if I saw it. I think that Mr. Perry made some corrections in it, or I did, one or the other. I was very anxious at that time, together with Mr. Foster, Mr. Lumpkin, Judge Thomas, and divers other parties in Floyd County, all of them being democrats, myself being considered an extreme republican at that time, though my antecedents were all democratic, to bring those parties to justice. I supported Mr. Seymour and Mr. Blair for the presidency and vice-presidency.

and Mr. Gordon for governor. I was an original secessionist and Breckinridge democrat. We believed that it was necessary that something should be done in order to protect the labor of the country. A great many disturbances had occurred, and I believed that that would be about as safe a channel as any by which the thing could be managed.

Question. How many violations of law of that particular kind, by a fair construction, were traceable to these disguised bands; I mean those that have occurred in your county within the last three years?

Answer. I had at one time a memorandum of the parties who had been scourged and ill-used; but I do not know that I could now state definitely. There were, probably, some twenty; perhaps more of them.

Question. Has anybody been punished for those offenses?

Answer. No, sir.

Question. Have you received any information that you deem reliable from those offenders as to the existence as well as the extent of this organization?

Answer. I cannot say that I have any that is reliable. Mr. Penny stated to me that the officer who organized their lodge, as he called it, was from Polk County or Haralson County; I do not recollect which.

Question. Did he give his name?

Answer. I do not believe he did.

Question. Did this other man who was his associate give you any information?

Answer. No, sir; only that they had been out on two or three occasions. I think it would be proper for me to state that these three men who were convicted in Chattooga County, if they ever belonged to the Ku-Klux organization proper, as they call it, were not considered to be in good standing. One of them testified that he was a member, but evidently they were not men that we would consider any way reputable.

Question. Do you know how they had been engaged during the war?

Answer. Mr. Payton and, I believe he stated, Mr. Kelly, were both in the confederate army; or he stated that Mr. Epps and Mr. Kelly were. I asked if either of them had been in the confederate army, and he said, "No." I do not know of my knowledge; I should take any statement they would make with great caution myself.

Question. Do you know the men who were alleged to have released Epps from the calaboose?

Answer. They gave me the names of five parties.

Question. Were they persons that you know?

Answer. I do not know them myself.

By Mr. BAYARD:

Question. You have spoken positively in regard to Mr. Forsyth receiving no portion of the rewards offered?

Answer. I think he has not received any.

Question. I find in his own testimony, as given before the committee in Washington, that he did receive $750 of it.

Answer. I do not know of my own knowledge; I only state what was given out by the public accounts of it.

Question. You were not aware that Mr. Forsyth had admitted in Washington that he had received $750, which admission is printed on page 33 of the testimony in regard to Georgia?

Answer. I did not know that.

Question. I understand you to say that the case you investigated was a genuine case of Ku-Klux?

Answer. I did not say it was; I say I do not know. I stated that Mr. Epps had told me that he himself belonged to the Klan in Alabama, and that it was a portion of that Klan who had broken him out of the calaboose, with some parties attached to a Klan in Chattooga County. I say I do not think they were members of the organization in good standing, if they ever had been.

ATLANTA, GEORGIA, *November* 3, 1871.

WILLIAM H. OGLESBY sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.

Answer. I am fifty-four years of age; I was born in East Tennessee; and I now live in Walker County, Georgia. I am a silversmith by trade.

Question. How long have you been living in Walker County?

Answer. I think I came to Georgia, to Summerville, in 1858. I do not exactly recollect the date, but I think it was in 1863 that I came to Walker County; it was during the war. I live right on the spur of Pigeon Mountain, six miles from Lafayette.

Question. Are there any people in that county called Ku-Klux?

Answer. Well, they are said to be Ku-Klux. There have been disguised men there. I saw a parcel of them myself. I never saw any until last Saturday night. Men have told me that they had seen the Ku-Klux, and had been whipped and abused by them. At several times Mr. Bryant, Mr. Lowrey, and Mr. Davis have said that they saw them; and a negro was very badly whipped there.

***Question.* You say you saw them last Saturday night?**

Answer. They came to my house last Saturday night in disguise. I knew their voices.

Question. What time of the night?

Answer. It was about 9 o'clock when they got to my house.

Question. Were they riding or walking?

Answer. They were riding.

Question. What did they do?

Answer. They rode up to the fence and called for me. The widow Gilbraith living in one part of the house while I lived in the other, (it is a double house,) the widow Gilbraith told them I was not there. They said she was a damned liar; that I was in the house; that if I did not come out, they would come in there and burn the damned shebang up. She said she knew Mr. Vickery, and told him that if they burned up her shebang she would have their shebang burned up. Vickery is called the captain. They left then.

Question. Did he see you or did you see them?

Answer. I saw him; I do not think he saw me. After they got down a little way, I thought I would shoot at them. I found that my rifle was not loaded. I got my shot-gun to bang away at them, but it was not loaded. I put in a load of shot, but when I got it loaded they were out of reach. I fired after them, but it did not reach them. I waylaid the road for them, but when they came back they came back so civilly that we thought it was some parties going to Vickery's for some whisky. We saw the horses much plainer at the gate than when they were going along the road through the timber.

Question. Did they say who they were?

Answer. No, sir; but we knew them. Just about time for them to get to the house of a negro, I heard a row over there. They got one of the men down, made him tell who he was, and took a pistol from him, and got one of the horses and took it on past my house. About that time a mule came up that Vickery was on, and they got it and kept it chained that night, and the next morning, as they were taking it to town, they met with one of the men who was along, and he claimed the mule, and he made my son get off the mule, and said it was his own mule, and he was going to have it.

Question. Whose horse did they get?

Answer. Mr. Collins's horse. We have that man bound in the court.

Question. Did they know whose pistol it was?

Answer. Yes, sir.

Question. Whose was it?

Answer. Mr. Vickery's. Two men that had worked a little on the pistol a few days before that knew it and said they would swear to it.

Question. Whose mule was it?

Answer. Old Mr. Collins's mule. But C. P. Collins claimed it at first, but afterward said it was his father's mule.

Question. What did you say they said when they first came to your house?

Answer. They told Mrs. Gilbraith that if I did not come out, they would come in and burn up the shebang.

Question. Did they say what they wanted of you?

Answer. They said they would kill me; that they would kill me between that and Saturday night if they had to have five hundred men there.

Question. Did they say anything about your leaving?

Answer. They said I must leave in four days, or they would take me out and kill me.

Question. How were they disguised?

Answer. They had on some kind of a dress with some rings around their eyes, and a coat with a star on each shoulder—that is, Captain Vickery had—with a representation of the moon on his back under the stars, and something fixed to his hair and hanging down so that it looked like great whiskers. He did not wear whiskers, but we knew his voice well; he is a neighbor boy.

Question. How old is he?

Answer. I suppose he is about twenty.

Question. How old is Collins?

Answer. I suppose C. P. Collins is about thirty; he is a married man. James Collins is between eighteen and twenty, and Albert Vickery is seventeen or eighteen years old, I suppose.

Question. Who was the leader or captain?

Answer. William Vickery, the oldest of the Vickery boys.

Question. Did they say where they came from?
Answer. They said they came from the moon.
Question. How many of them have you arrested?
Answer. Only one.
Question. Which one?
Answer The oldest Collins—C. P. Collins.
Question. Why have you not arrested the others?
Answer. I went to Squire Rogers the next day for a warrant, and he told me it was best not to do it; that I had better first write a letter up here to this place; that there had been just such a trial before him recently, and it did not result in anything. That was about the whipping of Mr. Lowrey. He was whipped to keep him from giving his testimony before the court. He said I had better just send here and not take out a warrant at all. I went home intending to do so. This man Kelley went over to see about letting Collins have his mare, but Collins attempted to take it by force. I suppose the officers of the town took out a warrant; Kelley said he did not take it out. I was subpœnaed to go to town, and I went there on Tuesday to the trial.
Question. You say they got one of them down; who do you mean by "they?"
Answer. The Kelley men—the negroes. They got Bill Vickery down, and he hollered for Pode Collins to help him. He hollered, "Pode, Pode, help; they have got me down." I did not see that, but the Kelleys told me so. Another one of the boys got Jim Collins down, and he hollered, "Run, or they will kill every one of us." He acknowledged that it was Jim Collins and Bill Vickery.
Question. The Kelleys were colored men?
Answer. Yes, sir; and they resisted.
Question. They were too strong for these fellows?
Answer. Yes, sir. Kelley's daughter told me that Vickery had some very insulting talk to her the day before, or desired something of her, and she just talked to him pretty rough, and he cursed her and abused her.
Question. Have either of these men said anything about any others of their Klan, do you know?
Answer. No, sir; I do not know that they have.
Question. Have you information respecting others of the Klan?
Answer. I have this information, that Bryant told me, the day they went to trial, that when he was called upon he could give names if necessary.
Question. Who is Bryant?
Answer. We call him Bray Bryant; he does not sign it in that way; but he will answer to the name of Bray Bryant. He lives about four miles from me.
Question. Have these people been on him?
Answer. I do not know that these same men have, but disguised men have gone to him and knocked him down with a piece of timber, and abused him very much, and scared his wife so that she miscarried. Doctor Gordon told me it was caused by that, and that she never would have good health again.
Question. Was this treatment in his house in her presence?
Answer. Yes, sir.
Question. When was it?
Answer. It was last spring, some time.
Question. What is the feeling of the people about speaking out against these Ku-Klux?
Answer. They have been afraid all the time to say anything. I thing a great many who would say something against them have been afraid to say what they thought for fear they would come on them. I know I have been kept down a little myself.
Question. How has it been about getting evidence against them?
Answer. I never was at a trial and never heard anybody say about that. I think at one time I would have been afraid to have sworn against one, if I had known who he was.
Question. Who is Squire Rogers?
Answer. He has been living at Lafayette, I do not know how long; he has been there a long time, and is the postmaster.
Question. Lafayette is the county-seat of Walker County?
Answer. Yes, sir.
Question. He told you that you had better not prosecute those men?
Answer. Yes, sir. He said there had been a recent trial of that kind before him, and it did not result in anything, and that I had better write down here; he said all he could do was to bind them over, and after he had done that, all that it resulted in was the whipping of Lowrey.
Question. Who was he?
Answer. He was not the prosecutor in that case. They had been to Squire V. Price's, and had abused him in some manner, and I think this man Lowrey was to have been a witness in the case. Squire Rogers said he thought they went for him to keep him *from going* to court as a witness, and he got a whipping.

Question. Do you know about that whipping, when it was?

Answer. I do not know exactly what time it was; I heard of it soon afterward, and I saw Lowrey at Chattanooga soon after that. He went down there right after that, and staid a week or two. He said they struck him over the head two or three licks with a pistol, and he showed me his thumb where it had been injured.

Question. How long ago do you think it was?

Answer. It was in July or August.

Question. How long since you have heard of these disguised bands riding about at night?

Answer. Well, I do not recollect exactly, but it has been over twelve months.

Question. How many times have you heard of their being out?

Answer. Well, at least twenty times.

Question. Do they generally do some mischief when they go out?

Answer. Well, I have heard of them going about several times when I could not hear of any mischief they had done. But I have heard several times of their whipping men in the cove, but I did not know who they were.

Question. What did they go to the Kelleys for?

Answer. Kelley told me that when they came there they said they understood he had been talking too saucy to white folks. Kelley told them that he had not, that he had talked no saucier to white folks than he thought he ought to do; that he tried to do as right as he could. I think he is a hard-working, honest negro.

Question. Did they attempt to whip him?

Answer. They attempted to whip his son, and struck his daughter with a hickory, so she said.

Question. How many persons were there there?

Answer. He had two boys, he was not there himself at the time. There were two boys besides himself that were big enough to do fighting. He came there after they got there, and I think he told me that he got one of them down, and his oldest son got down another.

Question. Were all of those men armed?

Answer. I do not think they had but one pistol in the crowd. That is what the negro told me, and they got it away from them.

Question. To what political party do these men belong who go Ku-Kluxing around through the country?

Answer. They belong to the democratic party.

Question. Who are the people that they have abused?

Answer. There has not been a democrat that I know of whipped by the Ku-Klux, so far as I can hear; they are all radical men.

Question. Black or white?

Answer. Yes, sir.

Question. What are your politics?

Answer. I have voted the radical ticket ever since the war.

Question. What is the feeling there among the people that you call radicals as to their future chances?

Answer. The generality of them think that the Ku-Klux are going to stop us from voting our politics.

Question. That is the feeling among the radicals or republicans?

Answer. That is what we have often talked together, that that was the probable cause of Ku-Kluxing, and that we would finally have to give up to them.

Question. It is the belief among the republicans, or the radicals, as they call them, that this is a political machine?

Answer. Yes, sir; with all that I have talked to.

Question. Where did you get the mule you have spoken about?

Answer. I got it at my gate coming back. We knew it was the same mule one of the boys was on, and we thought we would take care of it; that it would be pretty good proof against them.

Question. Did Mr. Collins, when he came after the mule, say anything about where the mule had been lost?

Answer. He met me nearly half way from my house to his house. I had to go nearly by his house to town with the mule. There were two ways to go to town, one through the Catlett Gap, and the other through the Dug Gap. I took the Catlett Gap road, which led nearly by Collins's house. I met him nearly half way, with a Mr. Adams; I suppose Adams was just in company with him. Collins asked my son what he was doing with his mule, and my son said he was going to take it to town. Collins said, "I reckon you won't." I turned around and said, "He will, because it is pretty good proof as to who have been Ku-Kluxing." He said he was going to have it. I said that if he insisted upon it, I would not resist, for there were witnesses there who heard him claim it, and they would know that he was out. He said that the boys took it, and told him that they had had a fracas on the mountain. But his brother, John Collins, who he said was in the crowd, was about three miles from there. I told him that I believed he was in the crowd.

Question. That was your belief and still is?

Answer. Yes, sir; the moon shone bright, and I knew his shape very well.

Question. Did he say where he was?

Answer. He said he was at home, but the Kelley folks said that they called for him when they got into a tight place. Now I do not think they would call for him to help if he was at home in bed a mile and a half away from there.

By Mr. BAYARD:

Question. Who is the man you captured?

Answer. Collins was arrested.

Question. Where is he now?

Answer. I suppose he is at home; he gave security.

Question. How much bail did he give?

Answer. I do not know; I understood he gave security, and got his mare away from town.

Question. I understand you to say that when these people came to your house you got your gun ready?

Answer. Yes, sir.

Question. What was it loaded with?

Answer. It was not loaded at all.

Question. Did you load it?

Answer. I did, as soon as I could.

Question. With what?

Answer. With powder and shot.

Question. Did you fire at them?

Answer. I fired after they got off a piece; I did not think I could hit them, but I was a little mad, and I thought I would fire at them anyhow.

Question. Did that send them off?

Answer. I do not know that it did; they were going off.

Question. How long after that did these Kelley boys get hold of them?

Answer. Perhaps an hour or an hour and a half.

Question. Who did you say occupied the same house with you?

Answer. The widow Gilbraith.

Question. Who is she?

Answer. Nancy M. Gilbraith, the widow of Andy Gilbraith.

Question. Is she a white woman?

Answer. Yes, sir; we bought land together, but we have not had an opportunity to build since we bought.

Question. You occupied the same house?

Answer. There is a partition between us, and I use one end of the house and she the other.

Question. Do you know why these people came after you? What did they charge you with?

Answer. They told her that I was in the house. She told them I was not. They told her that she was a damned liar. They cursed and swore, and told her that I slept with her. She said they were liars, and no such thing could be proven.

Question. What is your family?

Answer. I have a wife and six children.

Question. Do they live in that house?

Answer. Yes, sir.

Question. They thought you were in the widow Gilbraith's house?

Answer. No, sir. They came to the gate and called, but my wife would not go to the window, as she was afraid, and Mrs. Gilbraith went and spoke to them.

Question. That was your first experience in seeing any of these people?

Answer. Yes, sir.

Question. How many were there?

Answer. Four.

Question. Did you recognize them?

Answer. Yes, sir.

Question. One was caught by these black men and carried to town?

Answer. No, sir.

Question. Did you not say they captured and threw him down?

Answer. They threw him down and took his pistol away, and he hollered for help and got away. They got his pistol and his mare; I got the mule myself. This man Collins went after the mare and tried to take her anyway, and they arrested him in town on the Monday after this took place on Saturday.

Question. This occurred last Saturday night?

Answer. Yes, sir.

Question. These four were the first you had seen and the only ones you have seen?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Mrs. Galbraith was living by herself in one part of the house, and you and your family were living in the other part?

Answer. Yes, sir.

Question. They used this insulting and blackguard language to her when she was in her own part of the house?

Answer. Yes, sir.

By Mr. BAYARD:

Question. What is Mrs. Galbraith's family?

Answer. She has two children at home. Her oldest child married my daughter. One of her sons is hired away from home.

By the CHAIRMAN:

Question. Are they living in the house, your daughter and Mrs. Galbraith's son?

Answer. No, sir; they are living in a small cabin, in the back field.

Question. Have any of these disguised people who have been going about whipping and doing this mischief, ever been punished in your county?

Answer. No, sir; not to my knowledge. Some of them were released, turned loose; I don't know why. Squire Rogers told me that all he could do was to bind them over to court, and that he had done that once, and they were turned loose, and all it resulted in was the whipping of Bill Lowrey.

Question. Did the other men besides Collins deny that they were there that night?

Answer. I have not seen them. I do not suppose they did, for Scott Vickery came to see me, and asked if it could not be made up; he said the boys had got into a bad scrape; they were sorry for it. I told him that no money would make it up with me; that my character was sweet to me, and that he had talked scandalously to widow Galbraith before my wife. He said no more about it. I told him the thing had gone too far to talk any more about it; that was all the satisfaction I gave him.

Question. How far do you live from Spring Place?

Answer. I do not know where that is.

Question. Spring Place is in Murray County, is it not?

Answer. I do not know.

Question. You have stated all that you deem material in this case?

Answer. That is about all I know or can recollect about any Ku-Kluxing.

ATLANTA, GEORGIA, *November* 3, 1871.

WALTER BROCK sworn and examined.

By the CHAIRMAN:

Question. State your age, if you please, where you were born, where you now live, and what is your present occupation.

Answer. I am about forty-three years old; I was born in the State of Arkansas; and I now reside in Haralson County, in this State. I am a lawyer and a farmer.

Question. What is your present official position in this State?

Answer. I am a member of the State senate, for the thirty-eighth senatorial district.

Question. How long have you been a member of one or the other branch of the legislature of Georgia?

Answer. I was first elected in 1863, and I have been a member since that time up to the present.

Question. Where were you at the time you were first elected?

Answer. I was at home when I was first elected, but immediately afterward I was imprisoned.

Question. By whom, and where?

Answer. Well, sir, by the confederate authorities, and in Buchanan, Haralson County. I was arrested on the day of election, in 1863, and confined in the common jail of the county, and remained there until the next day. I was then brought down to Camp Randolph here, and put in the barracks, and staid there two or three weeks. I was then handcuffed, and sent to Sweetwater, Tennessee, and remained there perhaps some eight or ten days, when I managed to get a dispatch to Governor Brown, then acting governor of this State. The returns had been made to him, and under an act of the congress of the confederate States, I was exempt from military duty. The governor telegraphed to the officer in command, perhaps to General Stevenson, to discharge me. I was discharged and came back here, and took my seat in the Georgia legislature.

Question. Were you arrested for crime, or as a conscript?

Answer. Well, they said I was disloyal to the confederate government; that was what they said then. They may, however, have coupled with it an idea that I was subject to military duty. Previous to that time I had been appointed by Mr. McDaniel, of this place, the enrolling officer in my county.

Question. Was there any issue between the Union men and disunion men at that time?

Answer. Yes, sir, and I ran on the Union ticket. I was a Union man; I opposed secession, and was a candidate for the convention in opposition to secession, and was beaten in my county about 53 votes. In the first election, in 1863, the issue was clearly made, and I was considered as the leader of the Union party in that county. A good many men in that county ran me as a Union candidate in 1863 for the legislature; I ran against the regular democratic nominee, William Sockwell. If it is necessary, I can state what occurred in relation to the first election. They sent a military force to every voting-place in my county, with orders to arrest me or anybody who cast a vote for me; that is what the democratic party said was the order. I kept out of the way, for fear I would be arrested. I could not canvass the county as I would have done but for that. On the day of election, while the voting was going on at one of the districts, I was there using all the influence I could with the people to get their votes. While there a guard of these men rode up to where I was, and I was taken prisoner on the day of election, at one of the voting-places in my own county. I asked the officer in command of the squad to permit me to remain there until the voting was about closed, which he did. He said if I would come to town after the voting was over, he would not then take me into actual custody, and I told him that I certainly would. He knew me, and I pledged him my honor that when the voting was over I would go back to Buchanan, in my county. When they were about through voting, I rode on back to the court-house, but before I got in sight of the court-house a force of men which was ordered to arrest me appeared with guns, and arrested me and carried me to the court-house. Within twenty minutes I was put in jail, and then my imprisonment took place as I have said.

Question. Have you been following along on that same general line ever since?

Answer. Yes, sir, in the regular channel all the time. I opposed secession, as I have said, and when Congress settled down on the reconstruction policy, I tried to search into its principles and ideas, and became convinced that it would be altogether best for us to accept the reconstruction acts, and therefore I was a reconstructionist, and have been on that line all the time since; that has been my political policy. I ran the last canvass for the senate on that line.

Question. Have you had an election in your county recently?

Answer. Very recently, some time in this month, perhaps on the first Tuesday or Wednesday of this month.

Question. Do you mean this month, November, or the last month?

Answer. I mean the last month now, in October.

Question. State whether any unusual or improper efforts were made to affect the result of the election in your county?

Answer. I cannot state positively as to what I am going to say; I can only state what men have told me, perfectly good citizens of my county. I did not see these things done, but men have come and showed me their backs and legs, &c., men who have been maltreated; and good reliable men have told me these things were done.

Question. Go on and state what things were done.

Answer. I have been informed by men who are truthful, good citizens of my county, that on the night previous to the election there were some negroes in my county who were pretty cruelly treated. They told me that the negroes had been seized, and were badly bruised; that they had stamped, kicked, knocked about, and beaten them on the night previous to the election. Ever since about the 1st of May, perhaps, there has been an organization of men in my county, from the best information I can get, that has been riding over a large portion of my county, that is, the western part, along the Alabama line, and whipping the people there. I did not see it done myself, but I have seen men who have been abused, who have shown me their legs, heads, &c., and I have seen where they have been knocked and beaten. In my mind there is no doubt of it. As to what was done to carry the county the way it went in the last election, it was by very unjust means.

Question. What is the political complexion of your county, supposing the legal voters all vote their sentiments?

Answer. In 1868, in my last election, when we had perhaps a tolerably fair showing, I was elected by 65 or 70 majority. In the election previous to that, when I was a candidate, I beat the democratic nominee in my county 84 votes.

Question. What was the result of this last election?

Answer. I am informed that it is 47 or 48 democratic; I have not examined the returns myself.

Question. Do you believe that has been produced by any change in the political sentiment of the people?

Answer. Do you mean a change deliberately made in the sentiments and ideas of the people?

Question. Yes.

Answer. I think not; my opinion is that the county to-day, if this thing of going about and whipping men was done away with, and every man could go up and cast his vote according to his desires, is 75 or 100 republican majority; I may be mistaken in that.

Question. Where was the change the greatest; in the parts of the country where the Ku-Klux operations have been going on, or in other parts of the county?

Answer. There are two districts in my county in which the Ku-Klux have raged; in those districts the democratic nominee, Mr. Head, got a very large majority; I do not know the exact number, but it was a very large majority. In the other districts, in which the Ku-Klux have not organized, as I understand it, the republicans got about four votes to one for the democrats. His majority was very large, perhaps not four to one, but a large majority.

Question. Can you mention any of the persons injured by the Ku-Klux?

Answer. Well, yes; I can mention those who told me they were injured by the Ku-Klux. A man by the name of Coley in my county came to my house some two weeks perhaps after he had been taken out and whipped and hanged, &c. He slipped up his pants and showed me where his legs had been whipped, and they then had black stripes on them. He offered to pull off his shirt and show me his back; but I said, "Mr. Coley, I don't want to see it." He said his back was in as bad a fix as his legs were, and his legs were very badly striped. I think he said that it had been done about two weeks. Mr. Joe Addison, of my county, told me himself that he had been badly beaten. He asked me what to do, and I told him that I did not see that, so far as he was personally concerned, he could do anything. He was talking about leaving, and I said, "Joe, you have a farm here and a family, and you ought not to leave." He said, "They notified me to leave in ten days, or they would kill me." I said, "They would not do that." He said, "They said they would, and I believe they will do it." I said, "Well, you should risk it, anyhow." He continued to work on his farm. I saw him along occasionally, and asked him how he was doing. Said he, "I am lying out nights and working day-times." After that again—perhaps a month, maybe longer, or perhaps not quite so long—he came to me the second time, and told me that the Ku-Klux had come to his house in open day-time, perhaps a half an hour by sun. He had been over in Polk County about some business of some kind, and had come back and was eating his dinner. It was then toward night, and he was about going out to hunt a place to lie down. His dog barked, and he turned his head and looked out of the door, and just then his wife said, "There are the Ku-Klux." He jumped up and went out of the door, and there were three men on that side of the house with their guns and pistols cocked, and they ordered him to halt, and he did so. I saw his wife afterward, and she was telling me about it. She told me they swore they were going to kill him, and she began to make a fuss, and told them not to kill her husband. She said one of them jabbed his pistol up against her face or breast, and said that if she did not shut her mouth he would kill her. I asked him if she knew him, and she said she did. I asked her how she knew him and whether he was disguised. She said he was disguised; had on a robe and a cap on his head. I asked her how she could know him under such circumstances, and she said that the mouth-holes around his mouth were extremely large and she could see his lips, and that the eye-holes were large and exhibited all the brow. She was outspoken, and said she knew him as well as she knew anybody; that she had known him about fifteen years.

Question. Did she say who it was?

Answer. She said it was Joseph Roe. She mentioned another man in the crowd that she knew well, but I do not know that I can recollect his name now. I think she mentioned three that she said she knew; I would not be positive as to Roe, but I think she said she had known him for some twelve or fifteen years.

Question. Have you known any other parties to be abused?

Answer. Well, yes; I know a gentleman by the name of A. B. Martin in my county, who came to me and told me that they had whipped him most cruelly. I am of the opinion that the old gentleman stated the truth. He said they whipped him until he had no feeling at all. The old gentleman was in a great deal of trouble, and came and talked with me about it. I asked him how many licks he thought they hit him, and he said he did not have any idea how many; that they whipped him desperately.

Question. Did you know any other cases?

Answer. Who have talked to me about it?

Question. Yes.

Answer. I do not recollect at this time any others who came to me about it; in fact I avoided as much as I could conversing with them, for I had been notified that it would perhaps be my time next, and I did not want to be assassinated. I did not want to talk much, for I was rather afeared it might grow into something.

Question. Did you hear of other cases?

Answer. A great many others. I sat down at one time and counted up the number who had been whipped from last April or May. There have been betwixt twenty and thirty cases of whipping in my county since about the 1st of last May.

Question. Has there been any killing there?

Answer. There was one negro killed in my county.

Question. Who was he?

Answer. A colored man they called John Walthall.

Question. These first cases you mentioned were of white people?

Answer. Yes, sir.

Question. What is the character of those men?

Answer. I went there to that county about fourteen or fifteen years ago. When the lots were sold I was there, and I went there soon after, before there was any court-house or anything of the sort. I have known these men, I do not know how many years. I have known Mr. Coley perhaps ten or twelve years, and I have known old man Martin some eight or ten years perhaps; I have known Addison personally five or six years; and I never heard anything against either of those men in my life, until I heard that the Ku-Klux had whipped them and had made statements that they were bad men, especially Addison and Coley. I am not certain that I ever heard anything against old man Martin; and if I did, it was only that he had married a woman who was not considered virtuous.

Question. You have heard nothing against them except what was said by the Ku-Klux?

Answer. No, sir; I was surprised to learn that Coley and Addison and those men had been whipped. Yes; B. T. Hughes told me they had whipped him; I recollect that now. I never heard anything against him until I heard that the Ku-Klux said he had been stealing. I made it a rule to ask the men the reason why they were whipped; I asked Hughes what they whipped him for, and he said he did not know, only what they said; I never had heard that Mr. Hughes was guilty of a crime in my life. He said they said that they lived in the moon, and had been watching him, and that he had been taking corn from somebody, or had not made a fair settlement with his father-in-law, old Mr. Goggins; that they whipped him for that. Another gentleman by the name of Columbus Hughes has been whipped. I have not seen him, but his father told me that his son was cruelly whipped. His father came to see me, and wanted me to do something; he said that I was a leader in that county, and the people expected that I would see that they were protected, and not run over in that way. Columbus Hughes is a member of the Baptist church; I have inquired of the members of the church to which he belongs if there was anything against him, and they told me they never heard one thing against him at all; they appeared to regret very much that he had been so cruelly whipped.

Question. Living there among these men, tell us, from your knowledge of them, and of all the circumstances, whether you are or are not satisfied that these charges are mere pretenses for these outrageous acts.

Answer. I say to you that I have no doubt upon my mind but what these men have been cruelly treated.

Question. I mean the charges that the Ku-Klux have brought against them?

Answer. Well, sir; I do not think they are true, because, being a regular practicing lawyer as I have been there, it looks to me like if these men had done anything of this sort, I would have known it.

Question. It is a mere pretense on the part of these Ku-Klux?

Answer. I am constrained to think it is nothing but a pretense.

Question. Did you know John Walthall?

Answer. I knew him very well; I hired him to do a great deal of work for me in 1869.

Question. What was his character?

Answer. Well, sir, I never heard until I heard it mentioned in town a short time before John Walthall was killed, (in fact, I think it was the day he was murdered at night,) that he was charged with having things not his own; I never had heard such a thing about John Walthall up to that time; if others had heard it, I never knew it. I had him hired on my place to work for me, and I went off and left him there, and he did good work; he acted as well as any colored man I ever saw; I never heard anything wrong about him until, perhaps, the day that he was murdered at night.

Question. The charge against him, as appears in evidence before us in connection with his killing, was that he had been living with some white woman.

Answer. Well, I never heard that at all; I never heard a single thing about him until about the time he was killed. If he had been doing such a thing as that, I never heard it before. Until about a short time back our laws have been executed, and we have been trying to keep our society very good; my opinion is that if anything of that sort had been done by Walthall and that woman, I would have heard something of it. It may be true, but if true I never heard it in my life.

Question. And you do not believe it?

Answer. I do not; I think steps would have been taken to suppress it; everybody would have known it.

Question. Have any of these parties you have spoken of been brought to punishment in your county, or any steps taken for that purpose?

Answer. So far as I know, not a single thing has been done. On the day the news came to the town of Buchanan that that negro was shot, the people were perfectly terror-stricken; they were afraid to say anything. I did go so far as to tell some white men that if they would send for a physician, I would see that he was paid myself, for we heard he was shot and lying there in a bad condition. The negro lay there, and no one went to him; perhaps some negroes went there, but no physician went there; he got no medical aid at all; the people were afraid to do or say anything.

Question. Why did not the physician go to him?

Answer. I do not know that he was requested to go; I think the people were afraid to go for him.

Question. What was the cause of this terror you speak of?

Answer. Well, sir, the cause is a Klan of men that are riding over my country there; men who are disguised. I never saw them myself, but people who have seen them have told me just what I state here. The terror and fear originate there from a Klan of disguised men that are riding over the western part of my county, and through the edge of Alabama, the eastern part of Cleburne County, Alabama.

Question. Do you know Joseph Roe that Mrs. Addison told you about?

Answer. Yes, sir.

Question. Where is he?

Answer. Last Monday morning, as I was coming along from home to attend the session of the legislature here, I came up through Polk County, which is one of the counties I represent. I staid all night at ————, and the next morning Mr. Wagner and his wife came up there to take the train. We were sitting by the fire talking, and he asked me something about the Ku-Klux. He said he had heard of some trouble in my county, and asked me if the Roes were not suspicioned of belonging to it. I told him they were. He said he had heard it, and that Joe Roe staid all night at his brother Jack's, in Polk County, near Van Wert; that was last Sunday night. This gentleman and his wife told me that Joe staid all night there last Sabbath night.

Question. Have any proceedings been taken against him anywhere?

Answer. I do not know; if any have been, it has been in the United States district court here; there has been nothing in our county or in our circuit.

Question. Has any word been brought to you from him or on his account?

Answer. Yes, sir. An uncle of John's, and his brother Thomas Roe, have been to see me in relation to getting Joe Roe out of the difficulty. Last Thursday was a week ago a gentleman by the name of Daniel Dodson, who lives in the edge of Alabama, right over the line, came to my house, and said to me that Joseph Roe had sent him to see me, to get me to use my influence to get him out of the difficulty that he expected he was in; that perhaps there was a bill of indictment against him in the United States court, and he wanted me to get him out of the difficulty. Dodson went on to tell me that Joe Roe was a chief of the Ku-Klux; Dodson told me he was a member of it himself. He said Joe had got him to come and see me, and ask me to get him out of it. I said to Mr. Dodson, "Go back and tell Joe that, if he is in good faith, and desires that I should use my influence to get him out of the difficulty, to come to my house on to-morrow, when I will be at home." On Friday Tom Roe, a brother of Joseph Roe, and Daniel Dodson, came to my house. They had their horses put up, and staid and talked with me an hour or two. Tom Roe himself told me that he belonged to the organization, and Daniel Dodson told me so. Tom told me that he had come there at the request of his brother, Joseph Roe, to get me to intercede and get him out of the difficulty. He went on to tell me how Joe Roe and he went into it; that they were scared into it; that there were a certain party about them there that belonged to the organization, who had threatened him and his brother. He stated that he had joined it, and Daniel Dodson said he joined it, and that Joe Roe joined it, so as to protect themselves. He said that when Joe went into it, they then made him their chief. That is about their statement to me.

Question. Did they, either of them, mention any other persons who were members?

Answer. I do not know that Thomas Roe did. But on a former occasion Daniel Dodson mentioned a great many names.

Question. Who did he tell you belonged to it?

Answer. He said that a fellow by the name of N. J. McClung, of my county, was a member of the organization, and was known as the "night-hawk" officer. He told me that a fellow by the name of William Fincher was a member of the organization; that Duncan Monroe was a member; that a man by the name of Tom Riddelsperger was a member; that William Riddlesperger was a member; that John Ward, and his son William Ward, were members; that a young man by the name of Jim Newman was a member; that a man named William Sides was a member; that a young man by the name of William Longhore, I believe, was a member; and that Lafayette Morris was a member. He told me a great many that I could, perhaps, mention; that Daniel Head, the father of the representative from that district, Jefferson Head, was a member of

the organization; that a one-armed man named Thompson was a member. I think those are about the names he told me at that time were members.

Question. Did he or Thomas Roe give you any of the particulars about the order?

Answer. Dodson did; he told me when he first talked with me about it. I met him in the road one day two months or more ago, and asked him what the news was. He said there was nothing. He asked me what it was, and I said nothing, only that the Ku-Klux were stirring up considerable excitement in the county. He then went on to denounce them worse than anybody I had ever heard; he said they were a set of scoundrels and midnight assassins; that they were destroying the country, and ought to be put down. I said, "Daniel, I indorse every word you say; it is very wrong." After that I saw him again, and he gave me what he said were the signs of the Klan, their passwords, and so on, that I might know them. He told me that this Roe had told him to post me, and had sent him over into Alabama to post the judge of the court of probate, William Hancock, whom they had threatened. He said he had been to Edwardsville, and had posted the Union folks there. Said he, "I will post you." He gave me what he said were their signs and passwords. I did not pay much attention to them, though.

Question. Can you repeat them now?

Answer. He said that supposing we were in a crowd, or in a house where there were a great many people together, and he wanted to know whether I belonged to the organization or not, he would put his foot on top of mine, and press on it, and say, "I ask your pardon." If I belonged to the order, I would remark, "It is granted." That was the way they might know each other in a crowd. Then, if I met with a gentleman and shook hands with him, or anything of that sort, and asked him how he was, if he belonged to the organization, he would say, "I am *well;* how are you?" He said, "Well" was the word; that is about what he said to me. He said that one sign was to shut up the third and fourth fingers of the right hand, and put the thumb on them, and have the first and second fingers stretched out straight; and the answer would be in the same way with the left hand.

Question. Did he say anything about their lodges, or convocations, or whatever they call them?

Answer. Yes, sir; he went on to give the names of the Klans; he called them dens. He said that one den, known as "Moccasin den," included a portion of Cleburne County, Alabama, and one of the districts in my county, known as the first district; and that Joe Roe was the presiding officer.

Question. What was the name he give him?

Answer. He said there was what was known as a "cyclops;" I am not sure if he did not say a "grand monk," and perhaps he mentioned a "grand Turk." Then he went on to tell me about the "night-hawk." I asked who he was; I do not recollect that I asked him in relation to anybody else. He told me that this man McClung was known as the night-hawk.

Question. Did he say what the duties of these several officers were?

Answer. I asked him what the duties of the night-hawk were, and he said that his duties in that department were to send out the summonses, or to go out and summon the members of the Klan. I did not ask him about any other officers.

Question. How many dens did he say there were?

Answer. He did not speak of but two dens; one was Moccasin den, and another, further down south, in what is known as the eighth district of our county, and what is known in Alabama as the Pound's district; he said that composed another den. He gave me the name of the den, but I do not now recollect it. He told me who was the officer who commanded it at one time.

Question. Who was he?

Answer. William Pound. He said they had recently turned him out of office, and had put in another man; and that he did not know who he was. I asked him why they had turned Billy out of office, and he said that each one had to pay his dollar initiation fee, or something of that sort, and they paid it in to Billy, and he failed to account for it, I think he said, to General Forrest. I think he stated to me that General Forrest was at the head, and this money, or a part of it, was to be paid over in that direction, and that Pound had used it himself, and they had turned him out and put in another man. That was his statement to me.

Question. Did he tell you who was regarded as the leading man in your county of this Klan?

Answer. Well, no, I do not think he said anything about who was the leader of the Klan at all. He only told me who was the chief of Moccasin den, and his brother told me the same thing. They told me last Friday at my house that Joe Roe was the chief of that den, and Tom Roe told me himself that he belonged to it.

Question. So far as you know, with what party do the men said to belong to this Klan associate and vote?

Answer. Well, sir, I tried to watch so as to be right about it. I have nothing at heart except the good of our country. Being a member of the legislature, seeing per-

sons here from different parts of the State, who come up here and talk to me about it, I have heard a great deal about the Klan; I could not think the people would be so bad, and consequently I have watched it very carefully and tried to learn what was done. My opinion is that every man who belongs to the organization casts a democratic vote; I do not think that any man who belongs to it votes other than the democratic ticket. My honest opinion is, that it is an organization for the purpose of securing the success of the democratic party and putting them in office. That is my honest opinion. Watching its operations in my county, the way they act, and the party they act with, I am inclined to think they belong entirely to the democratic party.

Question. How with regard to their victims?

Answer. If there is any man or women in my county who has been whipped, that does not belong to the republican party, I do not know it. They are all on the republican side, and that is one reason I am satisfied it is that kind of an organization.

Question. What is the impression of the people with regard to this organization, or do they say much about it any way?

Answer. Well, there is some talk about it. I find some democrats who say that it is wrong, and I think they are honest about it. But there are very few men in my county on the democratic side who are outspoken in relation to it, condemning it. Some will try to let on like they justified it from the fact that the laws, as they say, cannot take hold of these men; that it is of little use to try them in the civil courts, and that they ought to be whipped. Some men who belong to the democratic party talk that way about it. Upon the whole, I think that a very large majority of the democratic party are willing that the organization should continue; that is my honest opinion about it. At one time we endeavored there to get up a public meeting to condemn this thing, but we failed to do it. When the people were so terror-stricken, we thought we would hold a county meeting and condemn it. It was talked about over the county, but it all passed off without anything being done. The republican party was afraid to go into the court-house and pass resolutions condemning the matter, for fear they would be assassinated. The democratic party, who I thought ought to have taken hold of the question, for it was confined to their party, would not do it. I talked to republicans, and they were of the opinion that if we went in and passed resolutions condemning the organization, &c., we would be assassinated. We talked honestly about it; that was our feeling; it was mine; I was afraid to do it. It passed off in that way without any public action in that direction at all. Upon one occasion, directly after old man Martin had been whipped, this old man Monroe came down to town, and he appeared like he wanted to talk to me about it. He came up and said, "Mr. Brock, old A. B. Martin was whipped the other night." I said, "He was?" He said, "Yes." I said, "What did they whip the old man for?" He said, "For some of his meanness." I said, "What has he been doing?" He said, "I don't know, only he has been mean or something." I then said, "Mr. Monroe, you are a man who is respected in this county; you are a man of right smart property, and you ought to recollect that there are mean men on all sides; and if this thing is not stopped, it will get into something very bad, and it may be that you will be one of its victims; and you and I and every other man in this county ought to get together and condemn it." He sort of laughed, and it passed off in that way.

Question. Was that Duncan Monroe that was spoken of by Dodson as belonging to the order?

Answer. Yes, sir.

Question. Is Monroe a wealthy man?

Answer. No, sir, not wealthy; he is what I consider a good liver. I understand, however, he has given off a large portion of his property to one of his sons. He is now worth not more than three or four thousand dollars, maybe not that much.

Question. He is the same Monroe that has been described to us as living in a brick house, rather above the general average?

Answer. This is the same one; I would not think he is worth over $5,000, however.

By Mr. BAYARD:

Question. You have mentioned the names of sundry citizens of your county who were assaulted and cruelly whipped—John Coley, Joseph Addison, A. B. Martin, B. T. Hughes, and perhaps some others. Were you aware that they had all been before the grand jury of the United States court as witnesses?

Answer. I do not know that they have; I understood that perhaps some of them had been; I saw one of them who was coming here.

Question. Were you aware that they had all been before this committee, and had given testimony in full about this matter concerning which you have been interrogated?

Answer. No, sir, I was not aware of it.

Question. Such is the fact; they have all been here and made their statement.

Answer. I saw Mr. Addison as he was coming here.

Question. You were not aware that those persons had been here?

Answer. I had not known it.

Question. What was the name of this informant who gave you the names of these parties, and the secrets of the order, &c.?

Answer. His name is Daniel Dodson; he lives right over in the edge of Alabama.

Question. When did he give you this information?

Answer. The first conversation we had about it was, perhaps, two months ago, maybe not quite so long ago.

Question. When those parties who were sent after you came to see you, did they come to you professionally, as a lawyer?

Answer. Not at all.

Question. Merely as a citizen?

Answer. They told me that Joe Roe sent word that he had always been a friend of mine, and he wanted me to use my influence to get him out of the difficulty, not as a lawyer, but, if I understood it correctly from them, he was willing to go up, and if he could screen himself and get shut of the law, he was willing to make a clean breast of it.

Question. They came to you for that purpose?

Answer. That was what Daniel Dodson stated to me on Thursday, and Tom Roe and Dodson came back on Friday after.

Question. Did you make any promise to him on that subject?

Answer. Tom said that Joe and he himself had not whipped anybody; Dodson said he had not whipped anybody, but that they had been obliged to go into the order for self-protection. I said, "Tom, if that is true, tell Joe I will try to get him out of it."

Question. What is Dodson's condition of life?

Answer. I was never at his house in my life, but I think he is a poor man.

Question. A laboring man, depending upon his daily labor for his living?

Answer. I think so.

Question. Is he a reputable man, or is he a man of doubtful character?

Answer. Well, I do not know; I am inclined to think that I have heard something, I do not know exactly what, some charges, maybe, that he had been guilty of stealing during the confederate war, taking a still from somebody over there; but I never heard that until within two or three weeks.

Question. Is there a great deal of illicit distilling going on in your county now?

Answer. Yes, sir; the thing has been running there all the time.

Question. Do you think these men are engaged in it?

Answer. Who, Dodson? If so, I do not know it.

Question. How about the others?

Answer. I understand that Thomas Roe is a very good citizen, worth, perhaps, three or four thousand dollars.

Question. How about Joe Roe?

Answer. He is a very clever man, so far as I know.

Question. What is his condition in society and life?

Answer. I never heard anything against Joe or Tom.

Question. I mean what kind of a man is he; a laboring man.

Answer. He is a farmer.

Question. He works for his living?

Answer. I suppose so.

Question. For daily wages?

Answer. He works for his living; has a farm; and so does Tom Roe.

By the CHAIRMAN:

Question. Do you mean that he is a hireling?

Answer. No, sir; he has a farm which he cultivates himself.

By Mr. BAYARD:

Question. How came Dodson to relate to you these facts which you have stated, the secrets of this order, their pass-words and signs? What was his object?

Answer. I can only state what he said to me.

Question. What was that?

Answer. He stated to me that Joe Roe had told him to post the boys, because the thing had got so hot; men were being whipped, &c. I never received anything in writing from the organization in my life; but I have been told by men that I was in danger, and that the Ku-Klux were coming to my house at a certain time. He said that Joe Roe had told him to come down and post me.

Question. So that you could be on your guard and protect yourself against them?

Answer. That is about what he said.

Question. Did he tell you how many were in the Klan in your neighborhood?

Answer. As well as I can recollect, he gave me the names I have given here.

Question. You have given the names of all you can remember?

Answer. He may have given me some that I do not now recollect.

Question. He did not tell you the numerical extent of this Klan?

Answer. No, sir; he only told me of a couple of men in Alabama who were officers, and of this man in my county who was an officer.

Question. Did he disclose to you whether this Klan in that district had connection with others elsewhere?

Answer. He told me that General Forrest was at the head of it, if I recollect correctly.

Question. At this time?

Answer. Yes, I think so—at the time he talked to me about it. He also mentioned a man by the name of Burns, who lives near Rabbittown, in Alabama. He said he was at the head of it over there. I do not know that he stated his given name. He then gave me the name of the officer who came from Alabama into my county and swore in a whole parcel of young men.

Question. Did he tell you that he was bound by an oath?

Answer. He did not. He told me that he had a brother-in-law who lived in Polk County; that he had received information, or became fearful that the Klan were going to mistreat him, and that he went over and staid with his brother-in-law and told him what information he had received, and his brother-in-law said, "I can post you so that if they come to whip you you can get clear of them." And he told me that his brother-in-law gave him the signs without ever swearing him into the order.

Question. Did he himself ever join this order?

Answer. That was over in Polk County, perhaps fifteen or twenty miles from where he lived. He told me he came on back home and got to talking about the Klan, and gave them the signs his brother-in-law had given him; that they asked him some questions about it, and he told them about it, and they received him into the organization and recognized him as a member. Then he said, "I came to the house of a man by the name of John Butram, and Butram requested me to go with him over into Georgia, saying that he was going to swear in some Ku-Klux." I said, "Now, Daniel, did you go?" He said, "I did. We came right on together, and at Lewis Pope's, in this county, I witnessed the swearing in of four or five." He told me who they were, and said that he heard them take the oath. That is just what he stated to me.

Question. Did he state what the oath was?

Answer. No, sir.

Question. Did he ever tell you that he had ever gone about with them in disguise?

Answer. He said he never had and never would.

Question. What is his age?

Answer. I suppose Dodson is about forty years old, may be forty-five.

Question. He acquired a knowledge of the order in the way you have mentioned?

Answer. That is what he said.

Question. Without being sworn into it?

Answer. He said he never took the oath at all, but that his brother-in-law had told him this, so that he might protect himself.

Question. Was his brother-in-law a member of the order?

Answer. He said he was, and that he himself had been recognized by the organization.

Question. He did not tell you what the oath was?

Answer. No, sir.

Question. He did not tell you the extent of the organization, so far as numbers were concerned?

Answer. No, sir; he only gave me the names of some citizens living in my county.

Question. You have mentioned all the names you can recollect?

Answer. Yes; I think I have stated about all the names he told me of those who belonged to it.

Question. Did he say that he had frequent intercourse with them, had attended their meetings or consultations frequently?

Answer. He told me this: that he never went on any raids with them; but he said, "I know what they do and when they are going to make a raid." I said, "If you know that, as we have always been friends, I would like, if they are going to make a raid on me, that you would let me know." He said, "I will come at the hour of midnight; if they decide to make any raid on you, I will get on my horse any time, day or night, and come to your door and let you know."

Question. What had been your previous personal relations with this man Dodson?

Answer. I suppose I have known Dodson five or six years; he lives perhaps some ten or twelve miles from where I live, may be fourteen miles. He is frequently there about the court-house; he was raised in Fayette County, I think, just below this place. I never heard anything wrong against him, or anything that would show that he was not a reliable man, until perhaps two or three weeks ago, when I understood that he was charged with having taken somebody's still during the war. I never heard anything against him besides that.

Question. You have stated the fact of your being very harshly and unjustly treated during the war by the confederate authorities?

Answer. I have just mentioned the facts; I was imprisoned, as I have said.

Question. You were taken from your city and imprisoned, without having committed any offense against the laws?

Answer. I never heard of anything against me.

Question. It was for your sentiments against the war?

Answer. They may have coupled with that that I owed service to the confederate authorities. I was appointed by McDaniel a conscript officer, but I refused to act. He said he would make do it; he pointed to the jail-house and said that that was made to make men do what they ought to do. He gave me the appointment, and I exercised the duties of that office until a short time before I became a candidate for the legislature, when there was another man appointed in my place. They may have taken the position that my service was due the confederate army. As soon as I gave up my appointment as recruiting officer a company of State troops were sent down from my native town, and I was told that the officer was informed that I and perhaps some others were not as true to the Confederate States as we ought to be; that we were Union men.

Question. And in fact you were?

Answer. I was in my heart.

Question. You continued that way?

Answer. I was not outspoken; I could not express myself.

Question. After the war ended you commenced to vote, and have voted straight along with the republican party?

Answer. Yes, sir. I thought the Government had settled down on reconstruction as its policy, and I have supported that.

Question. Are you at all conscious of considerable bitterness of feeling against the democratic party?

Answer. None in the world; all I want is a good government of the people.

Question. You have no feeling against them?

Answer. I have no bias against any political party; all I want is a good government for the protection of all men, without regard to party.

Question. What is the voting population of your county?

Answer. I was the registering officer of that county, and I registered, I think, 545 or 645 voters; I am not certain now which.

Question. You registered 645 in all?

Answer. I think so.

Question. How many of them were black?

Answer. I think there were 45 black.

Question. It is nearly a white county?

Answer. It will not vote over 25 or 30 black votes now; perhaps not that many.

Question. And you think that upon a fair poll you have a majority of 75 or 100 votes?

Answer. I think that the county would vote 75 majority on a fair vote.

Question. But at the last election it went the other way by 45 majority?

Answer. I think so.

Question. Who was the member of the legislature returned?

Answer. William J. Head; I think he told me his majority was 48.

By the CHAIRMAN:

Question. Have you ever seen what purported to be a manual or ritual of the Ku-Klux order.

Answer. No, sir; I never saw it in my life, that I know of. I was furnished speeches from Washington City that purported to contain a statement of the organization, its oath, &c.; that is all the information I have ever received. I have never seen a written book, or manual, or anything of the sort.

By Mr. BAYARD:

Question. Whose speeches?

Answer. I think a speech of Senator John Pool was sent to me, and I read a speech made by some northwestern man. I think about four different speeches were sent to me by members of Congress.

By the CHAIRMAN:

Question. I will read you a paragraph purporting to be article two of a document that is on our files. appended to the testimony of General Forrest:

"ART. II. The officers of this * shall consist of a Grand Wizard of the Empire and his ten Genii; a Grand Dragon of the Realm and his eight Hydras; a Grand Titan of the Dominion and his six Furies; a Grand Giant of the Province and his four Goblins; a Grand Cyclops of the Den and his two Night Hawks; a Grand Magi, a Grand Monk, a Grand Exchequer, a Grand Turk, a Grand Scribe, a Grand Sentinel, and a Grand Ensign.

"SEC. 2. The body-politic of this * shall be designated and known as 'Ghouls.'"
Have you ever read this?
Answer. No, sir; never in my life.
Question. Have you reason to suppose that Dodson had read it, unless he had read it in connection with the order?
Answer. I do not know that he had.
Question. I mean, has there been any document circulated through your county that would give that information, to your knowledge?
Answer. Not that I know of.

By Mr. BAYARD:

Question. I understand the only knowledge you have of these men is derived from Senator Pool's speeches and the information that Mr. Maynard has given you by reading from this book?
Answer. O, no; I do not know that Mr. Pool's speeches said anything about who are the officers. I think the information about the officers which I have is what Mr. Dodson told me himself.
Question. You spoke about the oath being given in some of the speeches?
Answer. I think I saw in a speech that was sent to me, made by Benjamin Butler, what purported to be the oath taken by the Klan.
Question. Then I will ask you in regard to the names of the officers of the society. You learned them for the first time from the chairman of the committee; is that the fact? Did you ever hear them before?
Answer. Dodson mentioned them before I ever saw Mr. Maynard in my life.
Question. I asked if you ever had any of this kind of information before Mr. Maynard read it to you?
Answer. I never heard this before.

By the CHAIRMAN:

Question. You never saw what I have read here?
Answer. Never in my life; I did not know there was such a thing out.
Question. Before you saw me, Dodson told you of these officers?
Answer. He used the word "cyclops," and I think he mentioned about the "grand Turk" and the "grand monk" and the "night-hawk." I asked him who the night-hawk officer was, and he said that Newt. McClung was the night-hawk, and was swearing in members.
Question. Here is another article from this same document:
"ART. III. This * shall be divided into five departments, all combined constituting the Grand * of the Empire; the second department to be called the Grand * of the Realm; the third, the Grand * of the Dominion; the fourth, the Grand * of the Province; the fifth, the * of the Den."
Answer. I never heard of that in my life.
Question. Dodson called them dens?
Answer. Yes, sir; and told me who the night officers were, and I think mentioned the other names I have given you.
Question. What I wanted to know was whether you had had any means of getting that information from this document.
Answer. I never knew there was any such document.
Question. He told you that General Forrest was at the head of the organization?
Answer. Yes, sir.
Question. Had you heard that before?
Answer. I might have heard something of that kind.
Question. And he said this man Pound had failed to pay over to General Forrest——
Answer. He told me that Billy Pound—Billy is what we call him—received a dollar from each man there, which was to go to headquarters, to General Forrest; that Billy used the money himself, and they turned him out and put in somebody else.
Question. You have spoken of this condition of things in your county; how is it in the adjacent counties?
Answer. In relation to this organization?
Question. Yes.
Answer. I do not know, except what I have heard reported. Men have told me that it exists in the southern part of Polk County, and toward the Alabama line; that there were a great many there.
Question. That is in your district?
Answer. Yes, sir.
Question. How many counties compose your district?
Answer. Three counties.
Question. What are the counties?
Answer. Paulding, Polk, and Haralson.
Question. Have you heard of the existence of the organization in Paulding?
Answer. Not at all.

ATLANTA, GEORGIA, *November* 3, 1871.

JOHN NEAL sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now reside, and what is your present occupation?

Answer. I was thirty-one years of age on the 14th day of October; I was born in Warren County, but I am making my home here now. I am engaged in a loaning business.

Question. What official position have you held in this State?

Answer. I was captain in the confederate army; I was elected one of the judges of the inferior court of Glascock County; I was elected to the constitutional convention in 1865 at Milledgeville, and to the second constitutional convention under the reconstruction acts at this place, and I then represented Warren County in the legislature.

Question. Did you know a man by the name of Norris, whose Christian name I do not recollect, but who at one time was sheriff of Warren County?

Answer. I do.

Question. He was examined before this committee at Washington last summer. Have you seen a copy of his testimony and read it?

Answer. I have not read it all. I read a portion of it in possession of Major Hargrove, or at his office.

Question. From your knowledge of the facts in that county, will you state whether his statements were true, so far as you had an opportunity to examine them?

Answer. If you have the evidence here I would like to have you indicate the points; my memory does not serve me well enough in regard to the whole of it.

Question. It is not here at present; but if you will take the volume and examine it to-night, we can question you in the morning.

Answer. I may possibly have to leave the city on the morning train, but I hope not.

Question. Did you read the portion of his evidence that related to the death of Doctor Darden?

Answer. I did.

Question. Was that substantially correct?

Answer. I did not see the occurrence. I understood that Darden was taken out of jail and killed, nearly in the manner described.

Question. Does that account correspond with the account you received from the people in the community there?

Answer. I think it does. I do not think there is any question between Norris's account of the affair and that given by other people.

Question. Do you recollect his account of the taking of some men from a railroad train at Dearing?

Answer. I do not recollect what Mr. Norris said about that. I recollect that it was reported that some men were taken from the train.

Question. State substantially what were the facts as represented?

Answer. My recollection is that it was during the session of the legislature here. I was at home on a visit at the time. A few nights before some negroes on Mr. Brinckley's plantation had been attacked, and they fired into the attacking party and killed one of the number and wounded some others; that was the report. The negroes fled from the place and went to Warrenton. There was a Bureau agent there, and I think he insisted that Norris, who was sheriff, should let them stay in the jail during the night, which they did for a few nights. The Bureau agent went with them to Cammack, and there started them to Augusta. I happened to be on the train that day. When they reached Dearing, twenty miles below that, the parties were taken off the train and murdered.

Question. By disguised men?

Answer. No, sir; by men not disguised. I suppose they are well known to the people around Dearing; I do not think there has ever been any dispute about it.

Question. Have any of them been punished, or any attempt made to punish them?

Answer. Not that I know of.

Question. Were the men disguised who made the attack on the negroes at the time they fired upon them?

Answer. I suppose they were; that is the report, and I saw some disguises that were brought to the village. My information that this man was killed I received from the doctor who was called to see him.

By Mr. SCOFIELD:

Question. Was he a man that belonged in the neighborhood?

Answer. Yes, sir; the son of an old gentleman who has lived there for fifty years or more; he has lived there ever since my recollection, and I think all his life.

By the CHAIRMAN:

Question. Are you in any way related to or connected with Senator Adkins, who was killed?

Answer. I married a niece of his.

Question. It has been testified here before us that his life was taken in the spring of 1869, perhaps in March or April?

Answer. It was on Monday, the 10th day of May,

Question. At what place, or near what place did that occur?

Answer. It occurred about one mile from a place that is called Fossett's Mill, or perhaps Fossett's post-office.

Question. What is the nearest railroad station?

Answer. Dearing; he got off the train at Dearing.

Question. How far from the place where these men were taken from the train and killed was Mr. Adkins killed?

Answer. About eight miles.

Question. Where is his widow now?

Answer. In the lower portion of Warren County.

Question. Do you think it will be possible for us to obtain her evidence before this committee?

Answer. Well, sir, if you summon her, I presume she would attend. I feel confident that she would.

Question. How long a time before or after the killing of Mr. Adkins was Doctor Ayer killed?

Answer. It strikes me that he was killed first.

Question. How long before?

Answer. But a few days; I do not think it extended beyond a month.

Question. Had they both of them been to Washington and had recently returned?

Answer. It was my understanding that they left here on the adjournment of the legislature and went to Washington, and came back by way of Augusta, where Mr. Adkins stopped over for some days. Mr. Ayer continued on to Louisville, and was killed the day after his arrival; that was my understanding.

Question. Doctor Ayer was a member of the lower house of the legislature?

Answer. Yes, sir.

Question. And Mr. Adkins of the senate?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Are you a member of the legislature?

Answer. No, sir; not now.

Question. You were a member of the legislature of 1868?

Answer. Yes, sir.

Question. From what county?

Answer. Warren County.

Question. Had you been in Warren County before the war?

Answer. I was born there.

Question. Were you raised there?

Answer. Yes, sir.

Question. In the same county with Mr. Norris?

Answer. Yes, sir.

Question. Have you known him a great many years?

Answer. Yes, sir.

Question. Did you know him before the war?

Answer. Yes, sir.

Question. Are you now a personal friend of him?

Answer. Yes, sir; I might say that I am.

Question. How many years ago were those negroes taken from the train at Dearing?

Answer. My recollection is that it was in 1868 or 1869; in 1869, I think.

Question. At that time the State was under military control?

Answer. Well, I do not know when we were under military control or out of it; I do not know that we have been from under military control until recently.

Question. Was General Terry or General Meade in command here?

Answer. General Meade, I think.

Question. He was also in command here at the time of the killing of Doctor Ayer?

Answer. Yes, sir.

Question. Where did that occur?

Answer. In Louisville, Jefferson County.

Question. How far from Dearing?

Answer. Between thirty and forty miles.

Question. Do you remember any investigation of those acts by the military authorities?

Answer. I think Mr. Ayer's case was investigated before the civil courts there; I do not think the military investigated it; I think a man was tried for the offense.

Question. Who was that?

Answer. A negro who formerly belonged to ex-Governor Johnson.
Question. A negro was tried for the murder of Doctor Ayer?
Answer. Yes, sir.
Question. What was the result of the trial?
Answer. My recollection is that he was acquitted.
Question. Was Mr. Adkins's case investigated by the military?
Answer. No, sir.
Question. Was it investigated only by the civil court?
Answer. I do not think it has ever been investigated in any way.
Question. No investigation at all?
Answer. None that I ever heard of, and I am tolerably well acquainted with the family.
Question. You married a niece of his?
Answer. Yes, sir.
Question. And you would have been apt to have known of any investigation?
Answer. Yes, sir.

By Mr. SCOFIELD:

Question. Senator Bayard asks you about military rule in this State. Do you recollect when Mr. Bullock first assumed the office of governor?
Answer. I think I do; I think he was appointed under order of General Pope, or General Meade, I forget which, a few days before he was inaugurated.
Question. When was he inaugurated?
Answer. The legislature met on the 4th day of July, 1868, and I presume he was inaugurated the next day.
Question. Do you recollect that General Meade then wrote a letter, and said that he turned the government over to him, and recognized him as the governor of this State, duly elected by the people?
Answer. I recollect some order that he issued, but my memory does not serve me on that point.
Question. There was no military government here after that, until the subsequent act of Congress, in which it was determined that Georgia had not been admitted back into the Union, or, as it was said by the democrats, re-admitted; and then for a short time General Terry assumed control here, and re-organized the legislature?
Answer. I think, since you have mentioned it, that I recollect there were some persons being tried at the time Governor Bullock was inaugurated, and they were then released and turned over to the civil authorities. There was one from my county, and several from Columbus.
Question. According to your recollection, there never was any more military government in Georgia, except for the time when Congress had determined that the admission of members to the House, the Senate not having admitted the Senators, was not an admission of the State?
Answer. No, sir.

By Mr. BAYARD:

Question. Do you know the fact, that in 1870 it was the habit of the military commander in this State to detail an officer to go where he pleased in the State, and investigate any private contract he desired, and to settle it in accordance with his views?
Answer. I do not know that.
Question. I will take the case of a contract between a planter and his hands.
Answer. I do not know of anything of that kind since General Tilson, stationed at Augusta, had command of the State. He appointed me bureau agent down there for one county, and I know he used to issued some orders of that description. None of that has occurred in my county, but I heard of it in adjoining counties, and I saw some of the orders.

By the CHAIRMAN:

Question. Did Mr. Adkins live to inform his friends how he had been taken off?
Answer. His wife and daughters have told me so.

ATLANTA, GEORGIA, *November* 4, 1871.

JOHN NEAL, examination continued.

By the CHAIRMAN:

Question. Have you examined the printed testimony of Mr. Norris, since the committee adjourned last evening?
Answer. Yes, sir, I have.

Question. If you have any modifications to make in his statements of facts, will you now make them?

Answer. There are several errors in it as to certain things; I do not know that they make any material difference upon the whole. I have indicated here such corrections as I think I would make. The first instance, I will remark, where Mr. Norris is badly mistaken is, where the question is asked him if he was elected to some office in his county. His answer is, "At the first election we had after the war I was elected sheriff of my county." That is a mistake.

Question. What was the fact?

Answer. He was elected as sheriff under the ordinance of the second constitutional convention. We were first reconstructed under the proclamation of President Johnson, and formed a government at Milledgeville, and Mr. Heath was then elected sheriff of Warren County. He is asked where Mr. Adkins lived, and he says that he lived nine miles from Warrenton. It was fifteen miles. That is merely a matter of distance. Then he speaks of the first election after the war; he refers to the election when General Grant was elected President.

Question. You wish to be understood, that the first election was held under what is called the Johnson reconstruction policy?

Answer. Yes, sir; we had two or three elections before the election of General Grant. He seems to think that this organization of disguised persons commenced their operations as early as 1867; I think he is mistaken as to the dates. I think it was after the 1st of July, 1868, that they made their first manifestation.

Question. In your county?

Answer. Yes, sir. He is asked if they operated at the election when he was elected; and he says they did. I am of opinion that there was no organization of the kind in existence at that time.

Question. When was he elected?

Answer. In April, 1868.

Question. You think the organization had no existence that early?

Answer. I do not think it had.

By Mr. SCOFIELD:

Question. Not until after the 4th of July, 1868?

Answer. Yes, sir; that is, I never heard of any of these disguised parties in that section of the country until that time, and I was there all the time. He then states a great deal that occurred in connection with himself; that he was advised to resign; that he was told he could not hold office, &c. I know nothing of that. I have heard that he received letters signed "K. K. K.;" I have seen such letters sent to other parties. I never received one myself, and never saw one directed to him.

By Mr. BAYARD:

Question. Anonymous letters?

Answer. Yes, sir. He then answers a question in regard to Mr. Wallace. I do not know any of the facts about him. He then states some facts in regard to the killing of some individuals. I know some were killed. I can give the names of some who were killed.

By the CHAIRMAN:

Question. Will you give them?

Answer. One was killed at Fowler's and one at Bell's. The killing of the Jeffries family I know to be true. Norris was asked in reference to the suspension of the writ of *habeas corpus* by General Terry; that was a mistake; it was merely an investigation before the officer in command there.

Question. The writ of *habeas corpus* was not suspended?

Answer. No, sir; I am confident of it myself, for I saw General Terry, and had some conversation with him about that time in regard to it. Norris states something about Mr. Dixon. I have understood that certain disguised parties visited Mr. Dixon, and notified him that they were dissatisfied with his manner of living, but I do not know anything about the killing of any negro there. I have no proof of it, and my information is different from the statement made by Mr. Norris. He states that Senator Adkins was waylaid and killed, and he says that nobody knows whether that was done by disguised men or not. It was done in the day-time, and the men were not disguised. I have here a copy of the statement of Mrs. Adkins upon the matter. Norris says that Adkins's case had not been tried before the courts of Georgia. In that I agree with him. There was no coroner's inquest at the time, and there never has been any indictment before the grand jury. The rest of his statement in reference to the case is not as the facts were, exactly, but, upon the whole, I think it is about true.

Question. Truthful, rather than exact?

Answer. Yes, sir. He refers to some other killings that I heard of. He was asked about some negroes killed in Warrenton, and he says that one that was killed was a brother of the one that Wallace killed, and says they were charged with being two

very bad negroes. Now, those negroes were boisterous, impudent negroes; were drunken negroes, boisterous in the streets. I have seen them frequently, and I have been disgusted with them, to hear them go on as they did. The one Wallace killed was a very boisterous negro. Norris is asked if it appears to be universally the fact that men whipped and killed belonged to the radical party. I do not think that is true, so far as I am informed. I knew one family that at one time stood tolerably fair in that county, and they were democrats. One of them was pretty severely whipped, so I was told, and made to leave the country. His father was also notified that he had better leave, and he sold out and left. I knew another man of the name of Brassel, a democrat, of Hancock County, who was whipped. And I knew some women whipped about in the country in a sort of frolic; I do not know what their opinions were, whether democratic or republican.

Question. Were they white women?

Answer. Yes, sir; and whipped by disguised parties.

Question. Were they whipped pretty severely?

Answer. Yes, sir; I was told by parties who saw them that they were whipped pretty severely.

Question. Have you heard of women being indecently treated and their persons exposed?

Answer. I understood that was done in the case of those persons.

Question. To what extent?

Answer. I think they were bucked down across a log, and their clothes stripped up over their heads, and that they were paddled severely.

Question. Have you heard of any of them having had their private parts injured in any way?

Answer. I have heard some very shocking stories about that. And an occurrence was said to have taken place at a distance from me, but I do not know the truth of it. I do not think there is any doubt that those persons I refer to were treated in that way; it was acknowleged that they were low characters.

Question. What was the ground of the treatment of Harrill, father and son; what was the charge against them?

Answer. I think it was charged that there was a beef killed somewhere in the swamp near by, and it was thought this young Harrill did it, and that his father was cognizant of the fact. There was a negro who lived at Mr. Fowler's, where a negro was killed, who was a thrifty negro, and had accumulated some money. He had some fifty or sixty dollars, and had loaned his employer perhaps a hundred dollars. This young Harrill had gone to church, and said he had a hundred dollars in gold, and had laid it aside, and he alleged when he came back that some one had been in his house; that he saw the track, and knew it. He said he had some greenbacks which he had marked with a pencil. He got a crowd and went to this old negro's house, and told him that his son had stolen his money, and that if he did not give it up they would kill him and his son both. He searched the house of the old negro, and in the bottom of his trunk it was alleged Harrill put a package of marked money, and then took it up, and said, "Here is the money." The old negro thought they would kill him, and pleaded for them to spare his life, and said he would give him $200, and that his son should live with him for a year. Some of the citizens of the neighborhood heard of this, and believing the facts to be as stated, Harrill was visited a night or two afterward, and taken out and severely strapped, and told that he must leave the country.

Question. How many had gone to this negro's house?

Answer. Some four or five, I think.

Question. Were they in disguise?

Answer. I understood they were disguised.

Question. And this was in retaliation?

Answer. The whipping of Harrill? Yes; for that and the killing of the beef. I know the parties whose beef was killed.

Question. What was the offense of Brassel?

Answer. Some stealing of which he was accused; but developments since have satisfied them that a negro did it; that he had nothing to do with it.

Question. Proceed with your statement in regard to the testimony of Mr. Norris.

Answer. Mr. Norris says that the efforts of these Ku-Klux were directed against republicans; I cannot say that in every instance it is so.

Question. You have specified these instances that were not so?

Answer. Yes, sir; I think the organization is used for theft, robbery, murder, and everything of that kind. I do not think it is entirely exerted against republicans.

Question. What was the date of these Harrill and Brassel transactions?

Answer. In 1869, according to my recollection. This question is asked Mr. Norris: "If an election were to be held now, while these organizations are operating, do you believe that a great many of the colored people would be prevented from voting?" He says: "I do not believe that half of them could vote." I do not think under our laws any of them could vote, or but very few, because they have not paid their taxes.

This reign of terror spoken of here, right smart of it, has been exerted to prevent some from voting. But a majority of the people who employ these negroes will not hinder or prevent them from voting. It is principally the rowdies and blacklegs, as we might term them, that would interfere with them. I know numbers of planters who said to their hands, "Go and vote."

Question. Do these planters belong to this organization, to these bands?

Answer. I do not think they do, not those I speak of; I do not doubt but what some do. But there are a great many gentlemen who I do not think would condescend to be members of the organization. Mr. Norris is asked in regard to the population of the county, and the number of voters at the election, and what was his majority for sheriff. He says that his majority was about 600, which is nearly correct. He said that eleven hundred and some odd whites voted, and thirteen hundred and some odd negroes. He is mistaken as to the numbers; it is between six and seven hundred whites, and between eleven and twelve hundred negroes, according to my recollection. Mr. Norris also says that some democrats ran on the republican ticket; and when asked if he thinks he was the only genuine republican elected, he says: "The only man who stuck to it." He is sadly mistaken as to Mr. Adkins. I was elected as a republican, and I think my course in the legislature and elsewhere until to-day testifies to that.

Question. Mr. Adkins was not living at the date of this deposition?

Answer. No, sir.

Question. Has your political course as a republican in all respects coincided with what Mr. Norris thought was a proper course for a republican?

Answer. No, sir; it has not.

Question. I have asked you that question because that would be an explanation which probably would be due to him and yourself both. It is proper to ask you still further whether there was between gentlemen of the republican party in many instances a wide disagreement as to the wise and proper course to be pursued—as to the policy which the party ought to adopt.

Answer. There was.

Question. Gentlemen of equal intelligence, equal honesty, who were equally patriotic, might differ, and did differ, I presume?

Answer. Yes, sir. Mr. Norris refers to the suspension of the writ of *habeas corpus*. I do not understand that we have ever had the writ of *habeas corpus* suspended here since soon after the war, or after we organized a government under Johnson's proclamation; I think he is mistaken about that. There are a great many questions asked Mr. Norris about his arresting parties and placing them in jail that I know nothing about. I suppose from rumor that his statement is about correct. Mr. Norris is also asked the question whether General Terry assumed the right to try men by military commission in the State of Georgia; and he answers that that is his understanding. Now, I do not believe that he ever tried any one by military commission. I do not think there is anything more in regard to the testimony of Mr. Norris that I desire to state.

Question. Will you make a correct copy of Mrs. Adkins's statement, to which you have referred, and append it to your evidence?

Answer. I have a copy here, one which I made from the petition which contained her statement of the murder of her husband. It is as follows:

"*To His Excellency Rufus B. Bullock, governor of the State of Georgia:*

"The petition of Sarah Adkins, widow of the late Joseph Adkins, state senator from the nineteenth district of Georgia, respectfully showeth: That on the tenth day of May, 1869, the said Joseph Adkins and your petitioner arrived at Dearing Station, on the Georgia railroad, on his way from Washington, D. C., to his home in Warren County; that the said Joseph Adkins had been delayed by numerous warnings against his return; that his life, on account of his political course, would be in danger if he returned; nevertheless the said Joseph Adkins, deceased, desirous of seeing his family after his long absence from them, and wishing to attend to his personal affairs, ventured to return contrary to these warnings; that upon his and your petitioner's arrival at Dearing Station, they were met by a band of persons who sought a quarrel with the said Joseph Adkins, as your petitioner believes, for the purpose of killing him then and there, which the said Joseph Adkins endeavored to evade; that the said persons took possession of the vehicle which had been brought to Dearing for the purpose of conveying your petitioner and the said Joseph Adkins to their home, about ten or twelve miles distant; that, upon finding they could not have the use of their own vehicle, your petitioner persuaded the said Joseph Adkins to proceed on foot, which we did, accompanied with our colored driver. After we had gone about a mile we were passed by the party, who told your petitioner that she could get her buggy; so your petitioner returned and got the vehicle, and followed after the said Joseph Adkins and the negro who had brought the buggy to the Dearing depot; that your petitioner accidentally took a different road from the said Joseph Adkins. Upon her arrival at or near

her home, your petitioner met some of the family, who had been alarmed by the negro who accompanied the said Joseph Adkins, who had arrived by short cuts and paths, with the report that said Joseph Adkins had been killed. Upon receiving said report, your petitioner proceeded to the place where the said Joseph Adkins was lying in the public road suffering from mortal wounds; that your petitioner, with the assistance of her daughters, attempted to convey him home, but he died before he could be got home; that the said Joseph Adkins had his senses till the last; and while fully aware that he would die, made known to his daughters the manner of his murder and the name of his murderer; that the said Joseph Adkins declared that, while proceeding on his way as before stated, one armed white man arose from an ambush by the side of the road, and fired at him without speaking; the said Joseph Adkins threw up his hands upon seeing the man aiming his gun at him, and received the shot in his left hand and abdomen, of which wounds he died as aforesaid; that the said Joseph Adkins, in his dying declaration, revealed to his daughters the name of his murderer, which your petitioner does not think it prudent to reveal in this petition. Now, your petitioner avers, that the said Joseph Adkins was assassinated with no other provocation than because he was a republican, as can be proved by the many warnings he received, and your petitioner asks that such action as is in your excellency's power may be taken in the premises.

"Your petitioner is ready to make oath that the facts detailed in this petition are true so far as they came within her personal knowledge, and, as to the rest, she believes them to be true.

"SALLIE ADKINS."

Question. Have you a report of the killing of Wallace by Doctor Darden, taken from a democratic paper of that date?

Answer. Yes, sir.

Question. Will you append it also to your testimony?

Answer. Yes, sir; I have no objection; it is as follows:

"DEATH OF CHARLES WALLACE.—It is with feelings of profound regret and sorrow that we chronicle the death of Mr. Charles Wallace, the chief editor and proprietor of the Clipper. Mr. Wallace had published a card in the last issue of this paper, reflecting upon one Dr. Darden, a resident of this place. Early on Friday morning Dr. Darden was seen to come from the court-house, with his arms in such a position as to create the impression that he was carrying weapons. Mr. Wallace, returning from a morning walk, was compelled to pass the office of Dr. Darden, which was in the second story of the building occupied by Smith and Fowler, and when within a few paces of the steps leading to the office of Dr. D., he was fired upon with a double-barrelled shot-gun. The first shot inflicted a flesh wound only, and Mr. Wallace, turning around, attempted to draw his pistol, when he was fired upon the second time, nine buck-shot taking effect in his back and head. He fell and expired in a few moments. The excitement became intense. Everybody knew it to be the cowardly act of an assassin, and curses low but deep escaped the lips of many. As a public journalist we do not feel called upon to express an opinion as to the merits of the difficulty, but we will give the verdict of the coroner's inquest:

"'We, the jurors aforesaid, do, upon our oaths say, that the deceased came to his death by gun-shot wounds, produced at the hands of G. W. Darden, with a double-barrelled shot-gun.'

"An intimate and personal relationship with Mr. Wallace enables us to speak of his merits as a man and a gentleman. In all our associations with him we have ever found him kind, high-toned, honorable, and the soul of chivalry. We deplore and deeply mourn the loss of our associate and warm-hearted friend. In common with the entire community, (a few cowardly scalawags excepted,) we shed the tear of sorrow over his mangled corpse. As an editor, he was bold and manly; he wielded a trenchant pen, not to gratify personal ambition, but to vindicate principles which were dear to him, and which the people of his section held in sacred veneration. In the late political canvass he was active, energetic, and fearless. His adversary always knew where to find him. He was a man who never betrayed a friend, and who loved to hate his enemies. In the late war he was a confederate soldier, and his bloody corpse today retains honorable scars, received in the service of his beloved South. He leaves a bereaved and heart-broken widow in the bloom of youth, and an interesting boy who will never know a father's love. In these sad contemplations we have no words of consolation to offer, but can only commend the widow and the orphan to the God of the fatherless.

"On the evening of the day on which Mr. Wallace was killed, Dr. Darden was, at the request of his wife and daughter, conducted to the county jail. It was expected that the curtain had dropped upon the last act of this fearful tragedy. But the end was not yet. By 9 or 10 o'clock of that night, a number of mysterious beings entered the town from different directions, and sought for the keys of the jail. The radical sheriff of the county having left that night to parts unknown, carrying the keys with

him, they commenced breaking down the door of the jail. About 2 o'clock in the morning Dr. Darden was taken out, and after giving him time to write to his family, he was taken near the railroad and shot. Who the avengers were, where they came from, or when or how they left, no one knows. Thus has death cast his dark mantle over two interesting households. We are sure that the whole community will join with us in tendering to both bereaved families our heartfelt sympathies and sincere condolence.

"The coroner's jury found that Dr. Darden came to his death by gun-shot wounds at the hands of persons unknown to the jury."

By Mr. BAYARD:

Question. I see that this petition of Mrs. Adkins is addressed to Governor Bullock?

Answer. Yes, sir.

Question. Was it sent to him immediately after the murder of her husband?

Answer. In about five or six days.

Question. Do you know by whom it was drawn?

Answer. I do.

Question. Who drew it?

Answer. I would rather not state, unless it is material.

Question. If it would involve anybody in trouble I will not press it. Were you made personally cognizant of the facts stated in this petition by her?

Answer. Yes, sir.

Question. You were not present on the occasion when he was killed?

Answer. No, sir; I went there on Wednesday after; he was killed on Monday.

Question. What was done by Governor Bullock when this was sent to him?

Answer. He issued a proclamation, offering a reward of $5,000 for the arrest and conviction of the parties.

Question. Instantly upon receiving this petition?

Answer. Yes, sir.

Question. Do you know whether he took any other steps in the way of employing persons to investigate, detectives or others?

Answer. He sent the attorney general down there to see Mrs. Adkins.

Question. Did he endeavor to discover from her, and from inquiries in the vicinity, who were the perpetrators of that act?

Answer. Yes, sir.

Question. Who was that attorney general?

Answer. Mr. Farrow.

Question. Had he assistants?

Answer. I think not.

Question. No other gentleman appeared to give aid in this case?

Answer. I think not.

Question. The attorney general of the State went down after the reward was offered?

Answer. In the course of six months or a year.

Question. The reward and the investigation have failed as yet to discover the perpetrators of the act?

Answer. Yes, sir.

Question. About what was the age of Senator Adkins?

Answer. I think he was about sixty; that petition states his age.

Question. Was he a hale and vigorous man?

Answer. Very.

Question. Do you remember that at the time of his arrival at the railway station—I believe his wife had gone down to meet him?

Answer. She had gone several days before, and met him at Augusta, and came up on the train with him.

Question. Do you know whether at the depot he had an altercation with a young man, who, I think, was named Adams, in relation to an alleged insult by Adkins to a member of Adams's family?

Answer. I have been so informed by men who witnessed it.

Question. You were not present?

Answer. No, sir.

Question. There was an altercation between this young man and Senator Adkins, charging him with making insulting and improper proposals to a female member of this young man's family?

Answer. Yes, sir.

Question. After that did not Senator Adkins start on foot for his home?

Answer. Yes, sir.

Question. His wife driving after him in a buggy?

Answer. The information I received from Mrs. Adkins and from other parties who were present is, that this Adams and his friends would not allow them to have the buggy to go off in, and that they started on foot. They had gone on some distance

when two men passed them, and told Mrs. Adkins that she could go back and get th buggy, which she did, and then followed on after her husband.

Question. That was the means by which she was in the buggy and he was not?

Answer. Yes, sir.

Question. Was there not a colored man with Mr. Adkins at the time he was shot?

Answer. Yes, sir.

Question. What was that man's name?

Answer. I do not know.

Question. Was he a respectable negro?

Answer. I do not know whether he was or not; he was a common laboring negro in the country. I knew nothing about his character, and nothing about him.

Question. Was Mr. Adkins instantly killed?

Answer. No, sir; he lived some hours.

Question. He lived to see his wife?

Answer. Yes, sir.

Question. How long after he was shot did she reach him?

Answer. Two or three hours; two hours at least.

Question. He was still living when she came to him, and she had conversation with him?

Answer. Yes, sir.

Question. Do you know whether more than one person was seen at the time of his murder?

Answer. Only one.

Question. Was not that an undisguised man, in a black coat, armed with a shot-gun?

Answer. I think he was not in a black coat.

Question. State, then, what you understand.

Answer. I have heard a description of the suit of clothes given.

Question. That is not important; I asked simply because I have heard that statement of facts.

Answer. I think it was rather a dove-colored suit.

Question. It was one man?

Answer. Yes, sir; undisguised, and with a dove-colored suit of clothes.

Question. Who went quite close to him and discharged his gun?

Answer. Yes, sir.

Question. That is all that is known of the manner of his death?

Answer. Yes, sir.

Question. This occurred in the spring of 1869, I believe?

Answer. Yes, sir.

Question. Upward of two years and six months ago?

Answer. Yes, sir.

Question. I will ask you whether an officer of the United States Army was not sent with some troops down to that vicinity, and whether that officer did not wait upon Mrs. Adkins and inform her of his readiness and desire to aid in bringing the perpetrators of this crime to justice?

Answer. The troops were stationed at Warrenton.

Question. How far distant from the scene of this murder?

Answer. Twelve or fifteen miles.

Question. Did not this officer visit Mrs. Adkins's house for the purpose of making this tender of the aid of the military to bring to justice the perpetrators of the crime?

Answer. I understood that some troops went down there with the attorney general; but as to what connection they had with it, I have not heard.

Question. I will repeat the question, whether you are aware of the fact that an officer of the United States Army personally waited upon Mrs. Adkins?

Answer. I am not; I know the troops visited there.

Question. The attorney general took troops with him?

Answer. Yes, sir.

Question. How many United States troops were stationed in that county at that time?

Answer. A company or two of troops, may be three companies; they had right smart barracks at Warrenton at that time, and at Dearing; there were two stations in the county.

Question. Do you recollect the number of troops?

Answer. Two companies or more; I do not recollect the number.

Question. In that vicinity at that time?

Answer. Yes, sir.

Question. Do you know whether any affidavit was ever filed by Mrs. Adkins as a basis of a warrant for arrest?

Answer. She swore out warrants herself.

Question. Against whom?

Answer. I do not recollect the parties; I do not recollect that I ever heard her say

Question. What became of them?
Answer. They were in the hands of Mr. Norris at the time he was arrested.
Question. Mr. J. C. Norris?
Answer. Yes, sir.
Question. Is he the one who is commonly called Chap. Norris?
Answer. Yes, sir.
Question. He had the warrant in his possession?
Answer. Yes, sir.
Question. Do you know what became of the warrant?
Answer. No, sir.
Question. Was not the justice of the peace of that county a relative of Mrs. Adkins?
Answer. I think not. A former justice of the peace was a nephew of Mr. Adkins, but he was not a justice of the peace at that time.
Question. You do not know whether the then justice of the peace was her relative or not?
Answer. No, sir.
Question. What was the political complexion of that county?
Answer. It was republican, taking in the negroes.
Question. Then the officials of that county would be of the same politics?
Answer. I do not think that would necessarily follow there, for there were very few white republicans; the negroes are not competent to hold office, and we endeavored to to get the best white men we could.
Question. The appointments of officers would be made by Governor Bullock?
Answer. Yes, sir.
Question. If it came to a matter of election, there was a preponderance in favor of the republican party?
Answer. Yes, sir.
Question. That was the condition of the county at that time?
Answer. Yes, sir.
Question. You were asked about Mr. Norris receiving anonymous letters?
Answer. I think he so states in his evidence.
Question. Do you know whether he wrote them himself?
Answer. No, sir. I do not know that he ever told me that he received them, but his evidence so states.
Question. You have gone over his testimony in that case; there is a great deal of it, I presume, of which you have no knowledge?
Answer. Yes, sir.
Question. All the matters you have any knowledge of are those you have commented upon?
Answer. Yes, sir.
Question. You were asked whether there were political differences between you and Norris. Have you any objection to stating more particularly whether there was any decided difference, and what it was? I understand that you were a distinct, pronounced member of the republican party, and he was running on the same ticket?
Answer. Yes, sir.
Question. Wherein did you differ with him politically?
Answer. Well, I do not know that I can tell you what political difference there exists. He was acting sheriff, and did some things down there that I did not think he ought to have done; had accepted a bribe there. I stated, in a letter published in the papers, that I was one of his bondsmen, had assisted him in his election, and regretted to see it, and hoped that he would be able to prove that it was not done.
Question. You mean by differences that you disapproved of what he did?
Answer. Yes, sir.
Question. Among other things, his accepting a bribe in the discharge of his duties?
Answer. Yes, sir.
Question. Were you not aware of Norris's attempts to blackmail individuals in your county, both before and after he had caused their arrest by the military authorities?
Answer. I am not.
Question. Have you not heard rumors, and a great many rumors, to that effect?
Answer. I think not. In one case, in which a Mr. Cody was arrested, having been charged with killing a United States soldier, it was reported that Norris was taking an active part; but the report proved to be false.
Question. Do you remember his obtaining a note for a large amount of money from parties, and receiving payments upon it, either for preventing their arrest or securing their release, or something to that effect?
Answer. I saw a notice of that in the papers, but I know nothing of the fact.
Question. Was he not arrested by order of General Terry and brought to Atlanta in irons?
Answer. He was arrested; but whether by General Terry's order, or the order of the officer there, I do not know.

Question. Was he not arrested by order of General Terry and brought here to Atlanta in irons?

Answer. I understood he was brought here in irons, but I do not know by whose order.

Question. Was he not removed from office?

Answer. Yes, sir.

Question. Was not Norris arrested by order of General Terry and brought to Atlanta in irons upon the charge of having blackmailed the people of his county under threats of military arrest, and of charging that the United States military officers were in complicity with him in such operations?

Answer. As to the first part of your question, I say I do not know by whose order he was brought here. I know he was brought in command of Lieutenant Todd, and, I understood, in irons, or handcuffs. General Terry, I think, said in my presence to some attorneys here that it was for accepting bribes from citizens of that county.

Question. Was that to prevent the arrest of citizens?

Answer. We have had different versions of it.

Question. It was for malfeasance in office that he was arrested?

Answer. That was the charge. He denies it.

Question. I am aware that he denies it; I am only asking about General Terry's action in the case. You have spoken of sundry acts of lawless violence upon people in that county, the whipping of some people, &c. Did I understand you to say that where women were whipped it was for alleged lewdness?

Answer. No, sir; I did not state that. I stated that the ones that were whipped were lewd characters. I do not know that that was what they were whipped for. In one case, I think, one of them was charged with some burning that had been done in the settlement where she lived.

Question. But in all those cases they were persons of bad character?

Answer. You speak of the women?

Question. Yes.

Answer. They were.

Question. And where men were whipped it was under such circumstances as those you have given in Harrill's case?

Answer. With white men. There were some negroes I heard of that were whipped for different reasons.

Question. Was it for alleged thefts, and crimes of that character?

Answer. I have heard of accusations differing from that. I have heard that they were whipped for other reasons.

Question. For offenses against social order?

Answer. Well, I cannot say that that was my understanding in all the cases. I have understood that some of them were whipped on account of their meddling with or talking politics. I do not know the facts.

Question. You have said that a number of the subjects of this punishment were members of the democratic party, at least so known. I will ask you whether, of the various persons who inflicted the punishment, there were any who were not known as democrats?

Answer. They were disguised, and it was not known who they were.

Question. You do not know who they were?

Answer. No, sir.

Question. Was J. C. Norris indicted in your county for various criminal offenses in 1869?

Answer. Only for false imprisonment, so far as I know.

Question. You do not know of his being indicted for the crime of murder as an accessory before the fact?

Answer. No, sir.

Question. You do know of his being indicted for false imprisonment?

Answer. Yes, sir.

Question. Were you there at the time he was tried?

Answer. He was not tried. I was there when the grand jury found a bill against him.

Question. Do you know the fact that he produced a pardon of Governor Bullock at the time his case came up for trial?

Answer. Through his attorneys.

Question. He was pardoned in advance of trial?

Answer. Yes, sir.

Mr. BAYARD. I ask that the following may be attached to the record in this case:

"STATE OF GEORGIA, WARREN COUNTY,
"*Office of the Clerk of the Superior Court.*

"No. 3.—Mathews. The State *vs.* John C. Norris. Accessory before the fact to the crime of murder. October term, 1869. Plea of pardon before conviction. E. P. Heath, *prosecutor.*

"No. 4.—The State *vs.* J. C. Norris. False imprisonment. E. S. Cody, prosecutor. Plea of pardon.

"No. 5.—The State *vs.* J. C. Norris. False imprisonment. October term, 1869. J. Raley, prosecutor. Plea of pardon.

"No. 6.—The State *vs.* J. C. Norris. False imprisonment. October term, 1869. A. J. Hartly, prosecutor. Plea of pardon.

"No. 7.—The State *vs.* J. C. Norris. False imprisonment. October term, 1869. H. Martin, prosecutor. Plea of pardon before trial.

"No. 8.—The State *vs.* J. C. Norris. False imprisonment. October term, 1869. E. E. Cody, prosecutor. Plea of pardon.

"No. 9.—The State *vs.* J. C. Norris. False imprisonment. October term, 1869. J. M. Cody, prosecutor. Plea of pardon before trial.

"I certify that the foregoing is a true and exact copy from the criminal docket of Warren superior court, and that the grand jury of said county had found true bills against said J. C. Norris, and at the time of trial of said cases a pardon before conviction, absolving and pardoning said Norris from said crimes, was read in open court, and thereupon the court ordered the cases to be stricken.

"Witness my hand and official seal this 31st of October, 1871.

[SEAL.] "R. M. WILDER, *Clerk.*"

By the CHAIRMAN:

Question. Let me see if I understand you correctly in replying to a question. Do you wish to be understood as saying that with the exception of the corrections you have made in Mr. Norris's testimony, from your own personal knowledge, and from reliable information, you regard it as true?

Answer. He states a great deal there about himself and other parties that I know nothing of.

Question. I am speaking of public transactions.

Answer. I think upon the whole his statement of public transactions is according to the information I have received. I think the occurrences did take place; I think in some cases he is mistaken as to dates.

Question. You were asked about the killing of Doctor Darden, and the taking of these men from the train at Dearing, and the killing of other parties?

Answer. Yes, sir. My knowledge of the killing of the parties at Dearing is from information given by parties, and from an affidavit, a copy of which I have in my possession, which is as follows:

"RICHMOND COUNTY, *State of Georgia:*

"Personally appeared before me, First Lieutenant H. Catley, Sixteenth Infantry, sub-assistant commissioner, Augusta, Georgia, Samuel Bailey, colored, who deposeth and saith that the Jeffreys came on the train to Dearing; that they were forcibly taken off the train by Lee Revel, John Lambert, Jim Harris, Ellis Adams, Bird Spears, and Kingston Adams. I saw them tie the freedmen together with a rope, and Jack Harris (Jim Harris's brother) came down from his house, took hold of the rope, and led them off into the woods; John Lambert followed, and Ellis Adams went around another way. I did not see any of the other named above leave Dearing. This is the last I have seen of the colored men, (the Jeffrey family.) When Agent O'Rourke called on me, Jack Harris said to me, 'Boy, there is a man at Dearing wants to see you.' I asked 'Who is he?' Harris replied, 'I don't know, but I think he is a d——d Yankee.' I said, 'I don't know what he wants.' Harris said, 'You better go and see what he wants; it may be better for me and you too. All the questions he asks you you tell me when you come back. There is a few things done in this world, boy, that you musn't say anything about.' When I went back to Harris, Harris asked me, 'What did he say?' I answered, 'He did not have a chance to ask me any questions.' Harris said, 'Why?' I said 'Mr. Lee Revel wouldn't let him.' Mr. Harris then said, 'I wish Revel had let him; he will report that he could not talk with you.'

"On the same afternoon that the Jeffrey family was taken off the train, my wife heard the report of four guns in the woods, in the direction in which the party went. I met John Lambert near my house when I was going home from work. Lambert had his gun (a double-barreled shot-gun) on his shoulder, going to Dearing.

"There is but one belief about Dearing in regard to the fate of the Jeffreys, viz, that they were taken into the woods and shot. I have heard both white and black express their belief.

"I was told by Mr. William Baker that I had better leave or I would be killed. Mr. Baker lives with Mr. Caswell, near Dearing.

"These men (the Jeffreys) were taken off the train at Dearing November 9, 1868, about 12 o'clock m.

his
"SAM'L + BAILEY.
mark.

"Sworn and subscribed before me this 10th day of December, 1868.

"H. CATLEY,

"First Lieutenant Sixteenth Infantry, Sub-Assistant Commissioner."

Question. I see here the name of Ellis Adams; is that the same man referred to in connection with Senator Adkins?

Answer. Yes, sir; two or three of these parties are not living now.

Question. Which parties are not now living?

Answer. Ellis Adams and Kingston Adams are dead now.

By Mr. BAYARD:

Question. Was either of those two gentlemen the one that had the encounter with Mr. Adkins?

Answer. No, sir; it was a young man who had the encounter with Mr. Adkins.

Question. Was he a brother of the lady involved?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What was the alleged insult that Mr. Adkins was charged with?

Answer. The writing of an insulting letter to a Miss Adams, who lived near by. It was alleged that he made ungentlemanly proposals to her in the letter. I have seen a copy of the letter, but I do not construe it in that way. She was a club-footed girl, and had lived at Mr. Adkins's house. He sympathized with her condition, and expressed some of his sympathy in that letter. He had written her a letter prior to that in reference to the post-office. I have heard a number of gentlemen say that while the letter might be construed in that way, they did not believe there was any such intention on the part of Mr. Adkins; I do not think so myself.

Question. The girl had lived in his family?

Answer. Yes, sir.

Question. Toward whom he had kind feelings?

Answer. Very kind feelings.

Question. And he had proposed to have her made postmistress?

Answer. His object was to get a post-office established and have her made postmistress.

Question. That was the accusation that has been made, and upon which it has been sought to justify his killing?

Answer. Yes, sir.

Question. Has that letter ever been made public?

Answer. No, sir.

Question. You have seen a copy of it?

Answer. Yes, sir.

Question. You have been asked about the charge of bribery against Mr. Norris. Was it that note he took that he himself speaks of in his testimony? Is that the circumstance out of which the charge of bribery grew?

Answer. Yes, sir.

Question. Did you ever know of any other transaction alleged against him upon which the charge of bribery was made?

Answer. No, sir.

Question. He was examined upon it very fully in his own testimony?

Answer. Yes, sir.

Question. I see, in this statement by Senator Bayard of the indictments against him, that he was indicted at the October term of 1869, for being accessory before the fact to the crime of murder. What murder was that?

Answer. I heard that charge made, but I did not know it was ever made by the grand jury. It was the murder of Wallace by Darden, I think.

Question. Then he is again charged with false imprisonment upon the prosecution of E. S. Cody. What do you know about that?

Answer. He was arrested under that charge.

Question. What was the character of that false imprisonment charge; what false imprisonment could he have been charged with?

Answer. In his testimony here he states that, after he had left the county, at the time Darden and Wallace were killed, he came to Atlanta, and remained some time, and sued out some warrants before a justice of the peace and notary public. He went down with the military and arrested those parties, and had them placed in jail and kept there for some days. Afterward, when he was arrested and brought here by the military, those parties went before the grand jury, and had him indicted for false imprisonment.

Question. That was the case here mentioned?

Answer. Yes, sir.

Question. That is the character of the case?

Answer. Yes, sir.

Question. Have you ever heard any criminal charge against the man, before or since, excepting those here?

Answer. I think that, during my life, I have known him to be brought before the

court for fighting and frailing somebody. He speaks of his having cut one of the Codys; I know he was before the court for that. Whatever became of it in the courts I do not know.

Question. Were those prosecutions against Norris regarded simply as prosecutions got up against him by way of retaliation on the part of the rebels and their friends in that county?

Answer. It is true they appeared before the grand jury and obtained true bills. That was done, I suppose, at the instance of parties whom he had arrested and held in jail.

Question. What was the charge against the parties?

Answer. That they were the parties who had taken Doctor Darden from the jail and murdered him.

Question. Then all these cases and proceedings grew out of the killing of Doctor Darden and the killing of Wallace?

Answer. I think so. Some of these parties are the same that Mr. Norris alleged shot him. My impression is, that warrants were sued out for the murder of Mr. Darden.

Question. Do you know whether in point of fact he had been shot?

Answer. I do; I saw him early the next morning.

Question. Does he carry those marks upon his person?

Answer. I think he does.

Question. His version of it is that the note and the payments on it were for the personal damages that he had sustained?

Answer. That is his version of it.

Question. And by his enemies it was charged that it was bribery on his part?

Answer. Yes, sir.

Question. Of course General Terry knew nothing about it personally?

Answer. I suppose not.

Question. But acted upon such information as he had?

Answer. I suppose he did.

Question. What time was it that he was shot?

Answer. In November, 1868.

Question. The questions that have been put to you affecting Norris's testimony and his arrest and being brought here in irons, all relate to this transaction. After Darden was killed, Norris left and came up here, got out warrants, took the military down there, and arrested these men upon that charge; as he alleges, those men had been concerned in shooting him; that they gave him a note, and made payments on it, for personal damages. He was charged with receiving a bribe in discharge of his official duties, and he was arrested and brought up here in irons?

Answer. Yes, sir.

Question. Do you know whether the charge for bribery was ever tried before General Terry or anybody else?

Answer. It never was tried.

Question. When they got him out of the office the whole thing subsided?

Answer. He was brought up here on the 7th of May, on Saturday night. On Monday, Lieutenant Todd, I think, appeared before a magistrate here and swore out an affidavit, upon which he was arrested by the bailiff of this city, carried before a notary public or justice of the peace, and gave bond for his appearance at the next term of the court to be held in Warren County. His counsel saw General Terry, and he told him that if the civil authorities would take cognizance of the case, he would release him. At the term of the court the grand jury failed to find a true bill.

Question. I understand you to say that in Warren County there are very few white republicans?

Answer. Yes, sir.

Question. Not even the men who held the offices are republicans?

Answer. No, sir.

Question. Are not the most of them democrats?

Answer. Do you refer to the present time, or to the time we have been speaking about, in 1868 and 1869?

Question. I refer to 1868 and 1869.

Answer. They were divided.

Question. Which had the larger share?

Answer. Norris said he was a republican; Adkins was a republican, and I was republican. The whole ticket was elected as a republican ticket, but some of them, I think, were called milk and cider men, *quasi* democrats.

Question. A great many officers were not elected?

Answer. Yes, sir; some of the appointments were straight-out republicans.

Question. How were the others?

Answer. Where they were elected, they were the extreme men on either side.

Question. You do not know which side they voted on?

Answer. No, sir; a great many of them voted for the constitution.

Question. Were the men appointed in every instance republicans, or were some democrats?

Answer. They were mixed.

Question. Take all the officers of the county, high and low, which do you suppose had the majority; republicans or democrats?

Answer. Well, I reckon the democrats.

Question. Were there any colored men on your juries?

Answer. None.

Question. Your grand juries, then, were composed very largely of democrats, were they not?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Who was the solicitor general, the prosecuting officer, of that district at that time?

Answer. I think his name was Mathews.

Question. Was he elected or appointed?

Answer. Appointed.

Question. By whom?

Answer. By Governor Bullock, and confirmed by the senate.

Question. Was he a gentleman acting with the republican party?

Answer. I understood he was.

Question. I understood you to say that the grand jury who ignored the bill against Norris, in the case in which he was arrested and brought here, found true bills against him in the other cases?

Answer. The true bills were running against him at that time.

Question. Was that grand jury composed of true men, worthy and respectable gentlemen?

Answer. I think the most of them are.

Question. The indictments, of course are prepared and sent up by the solicitor general; that is his duty?

Answer. I think that is his duty.

Question. And these indictments in 1869 were sent up by the gentleman you have named, who held that position?

Answer. Yes, sir; I do not think that Mr. Mathews was at that court at the time; the judge may have appointed some one else to act in that court.

Question. Who is your judge?

Answer. Judge Andrews.

Question. Appointed by Governor Bullock?

Answer. Yes, sir.

Question. You do not know whether in point of fact the solicitor general, Mr. Mathews, personally superintended those indictments, or whether it was done by some one appointed to take his place during his absence?

Answer. I do not.

Question. You have no knowledge of that?

Answer. No, sir.

Question. Mr. Mathews may have been the man?

Answer. Yes, sir.

Question. It was his duty to have done so if there?

Answer. Yes, sir.

Question. Have you any personal knowledge of the charges contained in the various indictments on that list which I showed you?

Answer. For false imprisonment?

Question. Both for false imprisonment and of being accessory before the fact to murder.

Answer. I know he made those arrests and put the persons in jail.

Question. Do you know that these charges grew out of that, or is that a mere supposition of your own?

Answer. He was indicted for putting them in jail.

Question. That was the cause of the indictments?

Answer. Yes, sir.

Question. Do you know that to be the fact?

Answer. I believe it to be the fact, being present at the time, and speaking both with Norris and the parties who were interested, and who were put in jail.

Question. He pleaded his pardon, when called to the bar, in advance of trial?

Answer. His counsel did.

Question. That was himself, I suppose?

Answer. He did not attend the court; he remained here.

Question. He staid away, and sent his pardon down?

Answer. Yes, sir.

Question. Are you aware of the fact that a letter, or letters, from Mr. Adkins to this lady was submitted by her family to gentlemen of the bar prior to Mr, Adkins's death, in order to see whether legal proceedings were advisable to be taken against him or not for writing them?

Answer. I have understood so from authority which I could not doubt.

Question. Were those members of the bar men standing high in their profession?

Answer. By a member of her family, you say; I do not think it was a member of her family. I see General Wright so states in his testimony. My opinion is that it was by a gentleman who is not a member of her family; he may have been a distant relative.

Question. As the name is not mentioned, I suppose Mr. Wright knows.

Answer. I know the gentleman who told me he showed the letter of Mr. Adkins. Mr. Sturgis was the gentleman; he told me he had the letter, and showed it to those gentlemen.

Question. That was done prior to the death of Mr. Adkins?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Who is Sturgis?

Answer. A gentlemen that lives there.

Question. Is he a pretty strong democrat?

Answer. He is.

Question. He told you he submitted this letter of Mr. Adkins?

Answer. He told me he submitted it to Mr. Toombs, Mr. Wright, and several other lawyers. I have had a conversation with him since then.

Question. You mean Mr. Robert Toombs, the former Senator in Congress?

Answer. Yes, sir.

Question. And Mr. Ambrose R. Wright?

Answer. Yes, sir.

By Mr. BAYARD:

Question. That was with the view of taking professional advice as to whether they should proceed against Mr. Adkins on that?

Answer. He did not state as to that point; he did not state what it was for.

Question. He submitted it to them professionly; that is what I mean.

Answer. Yes, sir.

Question. You have been asked by the chairman whether these indictments and prosecutions of Mr. Norris were gotten up by rebels and their friends, in your county. Have you a class in your county so designated, and is it your custom so to designate them? If, so, pray state who they are and what is their number.

Answer. They call us all rebels, do they not?

Question. Do you consider that you are one?

Answer. I am only asking for information.

Question. I did not use the phrase; I repeated the language of the chairman to you. The reporter can read the question; I was not aware that I used the phrase, and I was curious to know whether you had in your community a class of persons who, in your intercourse with each other, are known and designated as rebels and their friends, who would prosecute Mr. Norris by having indictments found against him before grand juries upon sworn testimony.

Answer. Well, sir, I think there are numbers of men who would bring these prosecutions against Mr. Norris because of their personal difficulties with him, and because of their bad feeling toward him, and that they would exert every power they had to convict him. I believe, when you come to the grand juries, that the most of the members would be governed by the law.

Question. Those are individuals between whom and Mr. Norris there exists a feud?

Answer. Yes, sir.

Question. Is not his feeling of opposition and hatred to them as strong as theirs to him?

Answer. I presume it is.

Question. Would not his exertions be quite as strong as he would be able to make them, to cause their overthrow in any way at all?

Answer. I think from what I know of both sides, of him and them, too, that the fight has been contested pretty well.

Question. Do you know of your own knowledge, or have you heard from him, or have you heard from reliable persons, whether Mr. Norris has or has not, in the last eighteen months or up to the present time, been in the habit of threatening his personal and perhaps his political opponents with having a declaration of martial law brought upon them by the United States Government, and the presence of troops in their midst for his protection and their discomfiture?

Answer. I do not know; I have heard of such reports, but I never paid any attention to them at the time.

Question. Are you not aware that that is a favorite argument of his when talking with them or about them?

Answer. I am not aware of the fact.

Question. You do not think he ever made it?

Answer. I cannot say about that. When I go down there, I frequently hear some of those people say they expect Norris down there with the military soon; that they have heard of his coming; but they are persons not well informed.

Question. Do they know that he has made threats that it should be done?

Answer. I have heard them say so; I never heard him say so.

By the CHAIRMAN:

Question. You have spoken of the feeling between Norris and those people. Was the feeling against Norris very bitter before the time Darden and Wallace were killed?

Answer. Not so much so as it was afterward.

Question. The feeling must have been bad on the part of some of them, for them to have shot him in the way he speaks of?

Answer. It was bad, it is true, but it is frequently the case that men are shot because of personal feuds.

Question. Had he been an active and earnest supporter of reconstruction and of republican measures?

Answer. Well, I think he had, so far as his influence would go.

Question. Was the overwhelming popular sentiment among the white people of the county strongly the other way?

Answer. Yes, sir.

Question. State whether the feeling you speak of originated from that fact, and the different courses that different men pursued.

Answer. The feeling against Mr. Norris?

Question. Between Mr. Norris and his enemies, whether it grew out of that fact.

Answer. His political course, of course, increased the feeling between him and his enemies.

Question. When the grand jury refused to make a presentment against Norris for bribery, it was subsequent to the term of the court when the grand jury had made presentments against him for being accessory to murder and for false imprisonment?

Answer. Yes, sir.

Question. Is Norris a drinking man?

Answer. He says, and I have reason to believe it, that he never drank in his life.

Question. Is he a profane man?

Answer. I never heard him use a profane word in my life.

ATLANTA, GEORGIA, *November* 3, 1871.

HENRY M. TURNER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I will be thirty-eight years old on the 1st day of next February; I was born in Newberry, South Carolina, and now live in Macon, Bibb County, Georgia; I am a minister of the gospel and a kind of politician—both; I am presiding elder of a district, and a member elect of the legislature; I was to-day ejected from my seat, and the opposing party seated in it.

Question. Your connection with politics is thereby ended?

Answer For the time being.

Question. How long have you been living in Bibb County?

Answer. Six years.

Question. Did you go there directly from South Carolina?

Answer. No, sir; I left South Carolina in 1859 and went to Baltimore, where I remained until I was appointed by Mr. Lincoln as a chaplain in the Army. I served nearly three years as a chaplain; that is, I served two years under the appointment of Mr. Lincoln, and then I was reappointed by President Johnson, and sent to Georgia to labor in the Freedmen's Bureau. After remaining here for some time, and not receiving the respect I thought was due me, I resigned, not because of anything I had against the Government, but the officers I had to work with. I was appointed chaplain in the Regular Army the last time.

Question. Have you been living in Macon since?

Answer. Yes, sir; Macon is my home; I am there when I am at home. I travel a great deal all over the State. I am missionary agent and presiding elder of the district, and have taken a leading part in republican politics, so far as colored men are concerned.

Question. What church do you represent?

Answer. The African Methodist Episcopal church.

Question. I wish you would state what knowledge or reliable information you have upon the subject of lawless violence and outrages by those people who are popularly known as Ku-Klux.

Answer. Well, I will state that I cannot say that I have ever seen any Ku-Klux, that is, as a band roaming about at night. I have, however, had my life threatened, and I am satisfied that on two or three occasions, I may say in a dozen instances, if I had not secreted myself in houses at times, in the woods at other times, in a hollow log at another time, I would have been assassinated by a band of night-prowlers, or rovers, I will call them. I remember that last December, as I was going from Jasper County over into Butts, where I had been to deliver a political speech, just before I got to the river, about three-quarters of a mile from the river, I saw two men standing by the side of the road; they fired off four guns, firing them into the bushes among the trees. I did not know what that meant, and went on until I arrived at the river, and there I met seven or eight white men with guns and horses. I thought that they were up to something, I did not know what. I drove on about a hundred yards beyond them, and ascertained that the ferryman had absented himself. There were four of us in a wagon, and I judged that the four guns were shot off to notify those at the river that there were four of us. When I got to the river I found several men all armed. I think the two men were put out as pickets to give notice as to the number that would accompany me. I had heard of threats made against my life, and I got those men to accompany me in the wagon. One of the men with me was somewhat tight, and he talked very big and very loud, and we all appeared to be rather bold. I think that had a tendency to deter whatever violence those parties at the river intended to perpetrate. They certainly intended something. We drove on, and they did not say anything to us that was really insulting. They asked if we would not go in and have something to drink; they inspected us very closely; but one man in our party, being somewhat intoxicated, talked very big and cursed very loud, and they did not do anything. We went to the river, and there, after a time, we saw the ferryman walking out of the bushes. I think that if I had been by myself, or if there had been but one or two with me, we would have been killed and thrown into the river; but as there were four of us, nothing was done. That is the only instance that I recollect where I saw any men banded together that I thought were intending to perpetrate any violence on me as an individual. In La Grange I went into a house, and several men came in, and said they saw parties come in sight who they thought were on some mischievous mission, but I did not see them. I may state, however, that a few years ago I made a speech in Columbus, Georgia; I had Mr. Ashburn on the stand with me. About a half an hour after I came out, a band of organized Ku-Klux, or assassins, went to Mr. Ashburn's house and murdered him. I learned from rumor that they would have murdered me had they known where I was; but they did not know at that time at what place I was stopping, and therefore they did not find me.

Question. We have had an opinion expressed here, that Mr. Ashburn was killed by a colored man or by colored men. Have you any knowledge that would confirm or refute that supposition?

Answer. I have no personal knowledge. Mr. Ashburn was on the stand with me; I spoke two hours; during my remarks he rose several times and whispered in my ear something that I had forgotten. I have this to say, that the individual who brought the information to you, or to any person else, that colored people had perpetrated that deed, was as conscious that he was telling falsehoods and misrepresenting them as he was of his own existence. In the first place, Mr. Ashburn was in the confidence of our colored men in the place. In the next place, when Mr. Ashburn was murdered, there was a most intense and bitter feeling among the colored people, and had it not been for several leading men among us I believe they would have perpetrated violence on the whites, and perhaps set fire to the city. Besides that, in no instance have colored men in the State of Georgia banded themselves together to perpetrate any wicked and violent act of that character. It is true that in some instances colored men have killed white men, as they also have killed colored men; but it has been in the heat of passion. Of course they are human beings and are liable to, and do commit, all those acts that human nature is liable to commit.

Question. It was intimated in connection with that opinion that Mr. Ashburn was living adulterously with the wife of a colored man.

Answer. I know the woman, she is the wife of no one. Mr. Ashburn had a room in the front of her house, because there were no white people in the city who would board him, excepting two. There was a minister there I presume could have done it; I know he was in sympathy with him, but I do not think he was provided so as to accommodate him. However, the hotels would not receive him, and no boarding-house in the city would receive him. He had to stay somewhere, and he rented a front room from a colored woman.

Question. You say she was the wife of no one. Do you mean to be understood as saying that he was living adulterously with her?

Answer. No, sir. I believe on the one hand that he was above such acts, and on the other hand she is too religious a woman to be guilty of it.

Question. Another hypothesis that has been suggested, is that he was killed by republicans in order that they might make use of his death for the purpose of political agitation.

Answer. O, not a bit of it. I tell you, as a man who knows as much probably about the city of Columbus as a man can know who goes very frequently there, and who generally goes there to give shape and direction to political matters, for they look to me there as a leader although I do not live there; I say this, that there was not a solitary republican at that time in the city of Columbus, except one colored man, who had the least animosity whatever toward Mr. Ashburn. There was one colored man who was a little sore and aggrieved, because Mr. Ashburn defeated him in a nomination in the legislature. But that colored man, Van Jones, is a good religious man, a class-leader, and a man whose Christian deportment is known to the citizens there white and black.

Question. Have you known, or have you reliable information, of people who have been otherwise injured by these disguised night marauders?

Answer. I have seen scores of them. I have seen men who had their backs lacerated. I have seen other men who had bullets in them; I have seen others who had their arms shot off, shot so badly that they had to be amputated; I have seen others with legs shot off. I have heard of any quantity of horrible deeds.

Question. In what part of the State have they been most numerous?

Answer. They have been most numerous between Macon and Augusta, along in that direction.

Question. In what counties?

Answer. Well, I will say Putnam, Wilkinson, Baldwin, Hancock, and Washington, and there have been some in Monroe and Sumter. I have heard of things in Pulaski, but I will not speak of Pulaski, for I think there is a very good feeling there just now. I will also name Lowndes, Wilkes, and Columbia Counties, as among the most prominent counties.

Question. What cases have you heard of in Washington County?

Answer. Well, I have heard of a colored man being killed there. A minister from that place told me that he was there on one occasion, and saw a long line of those night assassins, but he did not say they did anything. There was a white man who on one occasion was taken from his home there and shot and left for dead; but he recovered so as to return to his home and has got well, or got better any way.

Question. Have you heard of any whippings in that county?

Answer. I have heard of so many outrages in that county that I hesitate, really, to itemize the kind of outrages I have heard of. I know there have been an immense amount of rumors and talk as to the crimes that have been perpetrated upon citizens professing republicanism, professing alliance with the republican party in that county.

Question. You spoke of Wilkinson County; have you been in that county?

Answer. I have not been in it lately, but it is not far from where I live, and I constantly see people from there.

Question. What is your opinion as to the condition of things there?

Answer. Well, first of all, I will state that there is a colored man in this city who was castrated a few weeks ago. The sheriff of the county, or the ordinary, one of them, a republican, was carried out a few weeks ago and killed, and if my recollection serves me right he was thrown into the river. Another colored man that I heard of was also killed some time ago.

Question. Do you recollect his name?

Answer. I do not.

Question. Do you recollect anything about a white man of the name of Deaše?

Answer. Yes, sir; he was killed.

Question. How long ago?

Answer. I do not think it has been more than four or five weeks; I will not be certain.

Question. Do you know the circumstances of his killing?

Answer. Nothing more than that he was seized during the night by Ku-Klux, and carried off and killed, and thrown into the river; that is the report that came to me.

Question. What is the state of things in Macon?

Answer. Macon is a city of very good order; we have very good order in Macon. We have a great number of very high-toned and dignified citizens there, men of wealth, who are opposed to this wholesale excitement and disturbance, and who are really apprehensive that were they to start any violence there the thing would recoil on them. I will state that a few years ago my life was threatened there, and also Mr. Long's life. We were sent to Congress for the short term. They guarded my house for several nights, and also guarded the house of Mr. Long; a large number of colored men, probably a hundred and fifty, were there with guns, pistols, &c., to protect us. They put out their pickets and necessarily turned in another direction every white man who started to go by my house, policemen, or anybody else. Word was

brought to the authorities of the city that the negroes were armed and guarding the houses of Long and Turner. That caused a meeting to be held in the city hall, a kind of harmonial meeting, I will call it, at which several speeches were made by white and colored men. Resolutions were passed denouncing any disorder, and guaranteeing to colored people that protection should be given them, and that if any injury was done to them they could make the matter known to the city authorities, and go home and go to sleep quietly. I may say, however, that the colored people told them to their faces that if one colored man was killed they would burn their town down. I judge that may have had some effect in producing this public meeting of reconciliation. Of course there have been murders there, growing out of personal strife, feuds, drunkenness or something of that sort; but I do not know of my political murders there.

Question. You do not attach any political significance to those things?

Answer. No, sir, not more than to the same things in other parts of the country. We have very good order in Bibb County.

Question. You spoke of having been elected to the lower house of the Georgia legislature; when were you elected?

Answer. On the 20th, 21st, and 22d of December 1870. The election lasted three days.

Question. How many representatives were elected?

Answer. Three.

Question. Who were the other two?

Answer. Mr. Fitzpatrick is a white man, Mr. Pollock is a colored man.

Question. What were your majorities?

Answer. Our majorities averaged 38.

Question. They were small majorities.

Answer. A small majority the way the thing went off. Of course we have a very large majority of republicans in the county; I will say that we have not less than 500 majority.

Question. What was the character of the election?

Answer. Do you want me to give you the general character of it?

Question. Yes.

Answer. I will state, to commence with, that we held the election under a special act known as the Akerman bill, that we passed in the legislature for that particular election. Among other things it contained this provision, that no challenge could be made at the polls. And inasmuch as the legislature had not established a free school system, the provision of our code, that requires a man to have paid all taxes that he had an opportunity of paying before he should be allowed to vote, was repealed for the time being; that is, it was left optional with him to pay if he wished; but if he had not paid, he was still to be allowed to vote. This, of course, gave every person the privilege of coming up and voting. I think there is a little provision in the bill, something about that no repetition of voting should be allowed, but that all persons of lawful age shall be allowed to vote.

Question. Persons of lawful age, with all the other qualifications?

Answer. Yes, sir. On the first day that the election was held the colored people had it pretty much their own way; they thronged there in great numbers and voted peaceably and quietly. In the afternoon there was some little bickering, but nothing that amounted to anything. The second day some kind of a little scramble broke out; some colored man voted the democratic ticket, and I think he received a small, insignificant donation for it; I do not know now to what it amounted. As he was coming out the colored republicans hollered, and jeered, and laughed at him, and two or three prominent democrats walked by the side of him; he was walking between them. Finally one of the democrats looking back commenced to curse, and I think eventually pulled out a pistol, but I will not be certain of that. I know they fired first, fired back into the crowd. I was standing about three hundred yards above where that occurred. This caused the crowd to run to a wagon that had brought in a load of wood, and they picked up the wood and commenced heaving it; the owner never saw his wood after that. This produced a considerable amount of confusion. However, in a short time the military were brought down. Several pistols were fired into the air; a great many persons ran away, white and colored, and the excitement was then somewhat quelled. But from that time, a kind of bitterness began to develop itself. The white people turned out in great numbers; indeed they were on the ground in great numbers. On the third day affairs were in a very bitter state; the whites, the democratic party, turned out and staid around the polls all day. They were pulling, hauling, snatching tickets, and doing a great many things of that sort. Yet I cannot say that any violence was perpetrated upon any person beyond threats, and a little intimidation of that sort. I know I was advised personally to go away, or otherwise I would be killed before night; Mr. Fitzpatrick says he was so advised. All the candidates, I think, were under terror to a greater or less extent, excepting Long; he was running for the short term of Congress, and nobody cared about him; no one was particularly interested about the short term of Congress. There is not half so much interest on the part of democrats in this State about Congress as there is about the

legislature, or ordinaries, or sheriffs. They do not care so much about Congress admitting negroes into their halls; they have no special objection to that, but they do not want the negroes over them at home; that is the truth of the matter. Well, in the afternoon, or I may say for the whole of the third day, they voted everything there. A circus came there that day, and they voted the whole circus.

Question. What ticket did they vote?

Answer. They voted the democratic ticket, of course. They got altogether probably about thirty colored democrats. Well, they would carry them into a room and put a cloak on them, bring them out and vote them, and then carry them back again and put a high hat on, and bring them out and vote them again; then carry them back and put on a slouch hat and bring them out and vote them again. In this way repetition after repetition went on. All the wagoners that came in with cotton and other produce, everybody, whether he belonged there or not, was voted. I am satisfied there were seven or eight hundred illegal votes given there. I do not think there are more than sixteen hundred or seventeen hundred democrats in the county of Bibb, yet on that occasion they polled twenty-seven hundred votes. There may have been some fraudulent votes on our part. We have some twenty-five hundred voters in that county that we know of, and we voted twenty-seven hundred votes at that election. Probably we may have voted some fraudulent votes. There may have been some repeating; they saw the democrats were doing it, and I dare say some of our men did the same. For about three hours before the election closed it was just one repetition, voting everything. I saw seven white men vote twice. They would go up and vote, and then go around and laugh and talk and say that they had voted four times in that way. Long was standing there and witnessing how they were changing the dress of the few democratic negroes they had there; and Fitzpatrick witnessed the same. I could not begin to describe the scene of the last evening for about three hours before the election closed. If we had had a fair election we would have beaten them by five or six hundred votes; but in consequence of not having a fair election we beat them upon the average only about thirty-eight votes. The law of our State says that in the event a contest is made against those claiming the election, the ballot-box can be opened only in the presence of the judge of the superior court, or whatever judge is presiding at that time, and the tickets counted or examined, as the case may be. A few days after the election I was passing down the street, and a white gentleman came up to me and said, "Turner, I will tell you something, but don't you tell my name." I said, "What?" He said, "They have got the ballot-box up in that room, [pointing to a building,] and I think it is a damned shame." I went up stairs to see if it was the fact. When I got to the door, I thought I would knock at first, but I concluded that they would come there and ask what I wanted, and perhaps not let me in. So I pulled open the door and walked right in. There were two men sitting there with their faces toward the fire, another was sitting back in a corner, and the ballot-box was on the table, and the whole table was strewn over with ballots, and there was a man sitting down at a little table writing. They all looked up when I came in, and one of them asked, "What do you want?" I said, "I wanted to see some gentlemen, but I see that they are not here." I took a good look around, and then went on out about my business. I think probably the notice had been given already that the election would be contested. A few days after that we were summoned to appear and proceed with the contest, and a few days after that we commenced to take evidence. They had parties there who swore that this man was not of age, according to their best knowledge and belief; and that that man and the other was not qualified to vote, for some reason or other; some men would get up and swear that such and such a man, whose name appeared on the list, lived in this county or that county or the other county. One man would swear against ten or fifteen names, I suppose. That is the kind of testimony upon which we are now ejected from our seats.

Question. Who were the men who had that ballot-box in that room and who had the tickets spread out on the table there?

Answer. The clerk of the court was one; the two men who had the ballot-box I do not know. The clerk of the court was sitting there by the fire talking with another man. Neither one of them in that room had any right under the law to handle those ballots.

Question. The ballot-box was not in the hands of either of the managers?

Answer. No, sir; nor was it opened in the presence of the judge according to law, which point I made on them, and I made that point last night before the committee here in the legislature.

Question. You were not notified, nor were either of the other men notified, that the ballots were to be opened at that time?

Answer. No, sir; the investigation was to take place a couple of days after that. I told them in the committee last night that they manipulated the ballots, but that if they could in that way establish a line of concatenation of evidence as long as from here to heaven, if such a thing was possible, it would be but the greater fraud. Then there was the frivolous evidence of a man swearing that he did not believe this, that, and

the other man was of age; they received that as testimony sufficient to eject a legally elected representative from his seat.

Question. That is a mere matter of opinion; what we want is the fact. Were either of you in the legislature allowed to speak in your own behalf in the house?

Answer. No, sir. A committee of three were appointed to investigate the matter, and we appeared before the committee, at least the three of us who were legally elected, and the counsel for the democratic claimants appeared in their behalf. The committee sat there and read a great deal of testimony, heard what we had to say, but refused to receive what I regarded as vital affidavits; refused to take any cognizance whatever of the fact that the ballots had been manipulated before any evidence was taken in the contest. They claim that they did not have primary jurisdiction over the matter; that they were bound to go according to whatever Judge Cole said, although the constitution says that the legislature shall be the judge of the election, qualifications, and returns of its members.

Question. The ordinary provision, I suppose, taken from the Constitution of the United States?

Answer. Yes, sir; they claimed that they were bound to go by what Judge Cole said, and without any clerk, or knowing any of the evidence, without comparing our testimony with theirs, or taking cognizance of any of the points we made, they just read off their decision in the house, and said they were satisfied that the democratic claimants were entitled to their seats, and that was the end of it.

Question. Did any one offer to say anything in your behalf?

Answer. Yes, sir. They did not rise on the floor and offer to say anything, but I was myself told by the committee that all the facts I had to adduce must be presented to the committee, because so far as we were concerned the action of the committee would be final.

Question. Who is Judge Cole? What connection had he with the case?

Answer. He was the judge before whom the democratic claimants took their evidence. Judge Geary was the judge before whom we, the republicans, took our evidence. Judge Cole is a democrat, and Judge Geary is a republican. We had Judge Geary to take our evidence, and Judge Cole presided during the time the democrats were taking their evidence.

Question. You have spoken of the crimes in Macon as having no political significance.

Answer. Yes, sir.

Question. In your opinion, do these offenses in the other counties have any significance; and if so, what is it?

Answer. They have this significance with me: I am satisfied, and every man in Geogia who has got any brains must be satisfied, that there are organized bands of night assassins, murderous villains, who have banded themselves together and roam about and kill republicans, kill any man who has got the name of radical attached to him, especially if he is a leader. There is no especial desire to exterminate a man who has not got any influence, but any man who is a leader, who is, I will say, a chairman of a Grant club or a Union League, who is thought to be a center of influence, every such man, in many of the counties, they are determined to kill out. They will kill out all they can kill; they will do like they did in Putnam County a few weeks ago or they will get up some charge against them, and have them tried, convicted, and sent to the penitentiary. Mr. Abram Turner, a man who was elected to the legislature in Putnam County, was shot down in open daylight as he was walking the street. A man rode up to him and shot him dead and then galloped off. The authorities of the county have made no attempt whatever to follow him or arrest him; he is not arrested yet. I am informed that he is in Macon; I do not know him.

Question. How was that seat filled?

Answer. After that there was an election held there to fill the vacancy caused by killing that representative. I heard of the great disturbance and confusion that broke out there, and I went there to see what it was. When I got there I was told that as the colored men were going to the polls one after another, about 9 o'clock in the morning, some democrat came up and put his foot on top of the foot of a colored man and trod on it, and said, "Get out of my way." The colored man said, "I cannot get out of your way with your foot on top of mine." He said, "God damn you, get out of way." After some more words, I do not know of what character, some little interchanging of damns and curses and things of that sort, they arrested the colored man and started to carry him to jail. The colored men there cried out, "That wont do;" and I think attempted to take him away. This was the tocsin for a great excitement. Scores of white men, as I learned, ran out of the stores with guns, as if the thing had been contemplated. The colored men ran off, probably a half a mile from town; several of the country men who came in brought their guns, and they run out there to get them. When they got there, I believe the man at whose house they had left them prevailed on them not to take them; at any rate they did not return to town with their guns. Some colored people, however, had guns, and when the white people poured their bullets into the crowd of colored people, some of the colored people shot back,

and I understand that some few white men received some shot, or their clothes were perforated. One colored man was shot dead, and others were wounded, as I am informed. Several were arrested and put in jail for creating an insurrection. A court was held there, and I think four or five of them were sentenced to the penitentiary for ten years. A colored man, who was a candidate against the democratic nominee, was arrested and tried for his life, because some colored men who came into the city had left their guns at his house. It was said he had established an armory there for the purpose of killing white people. He lived about a half a mile out of town, and as the colored people were coming in he advised them to leave their guns there and not to take them into town, for fear it would be a source of contention, and result in some kind of rupture. However, he was tried. A very intelligent and influential democrat made such an appeal for him, especially that feature of his character which he had exhibited during the war, stating how he had staid at home and taken care of his mistress and her property, and all that kind of thing, that they acquitted him. I think that four or five others were sentenced to the penitentiary for seven years, and one for ten years. One young man, who was a mile away from there, who could read and write, and so was considered in that section of the country a dangerous negro, because he could read and write, I am informed, was convicted and sentenced to the penitentiary. I am pretty confident that when they get a democratic governor here who will refuse to exercise executive clemency they will send every leading radical in Georgia to the penitentiary.

Question. White as well as black?

Answer. White as well as black, but black particularly. While Governor Bullock had his faults, he was very generous, and would listen to reason and proper appeals, and in many instances, where he knew persons had been penetentiaried maliciously, he would pardon them. There are scores at liberty to-day who would have been in the penitentiary but for him. I forgot to state that after our election in Bibb County, notwithstanding that the fuss they had there broke out away down town, a long way from where any of the prominent candidates were, we were all arrested and bound over under $3,000 bonds for inciting an insurrection. A democrat got up in the court-house and swore that he heard me tell the colored people to run and get their guns and pistols, and protect themselves, and kill the white folks. In the face of that there were a hundred persons prepared to testify that I stood at the corner of the street, as far from the voting place as from here to that white house yonder, [pointing out of the window,] and turned the colored people back and told them not to go. Yet he swore that I said, "Go and get your guns and pistols, and kill these white folks." They had nearly all of the candidates bound over, excepting one or two, I think, who were not bound over. However, when the court met, Mr. Nutting, one of the democratic members, who took his seat to-day in the legislature, was foreman of the grand jury. I do not know whether they investigated the evidence or not. Of course I do know, too, for one of the grand jury told me. But they found us guilty of insurrection. When the question came up before court it was known to be such an outrage that conscience whipped them, and God, as I suppose, so impressed them that one of the democratic lawyers got up and moved to *nol. pros.* the whole thing, and it was done. But I was told afterward that but for the fact that they thought Governor Bullock would pardon us, they would have convicted "every last devil of us."

Question. The grand jury found a true bill against you?

Answer. Yes, sir.

Question. What is the feeling of your people with regard to their employment, their occupation; what kind of labor and mode of life do you think would be most agreeable to them, if it was perfectly free for them to exercise their choice?

Answer. All kinds; any kind of labor whatsoever. The most of our people, of course, prefer farming, because they have been educated and trained to that; but you will find among our people carpenters, blacksmiths, watch-makers, clock-makers, and persons in almost every kind of occupation that is followed among the whites.

Question. We find that there are a great many colored people in towns; it is so in this town, and I understand it is the same thing in other towns. Why is that?

Answer. They leave the country in many instances because they are outraged, because their lives are threatened; they run to the cities as an asylum. In many instances they work by the year, and at the end of the year they receive nothing. They come to the cities and prefer knocking about and catching pennies here and there rather than to work the entire year in the country and at the end of the year be turned out of their homes, with their wives and children, and have nothing.

Question. Has there been a great deal of that injustice practiced toward them?

Answer. Yes, sir, until the last year; now there is an improvement in that direction.

Question. What has been the principal difficulty in the way of their getting fair treatment?

Answer. Maybe I do not understand your question exactly.

Question. What is the difficulty they experience in obtaining justice and fair play in their dealings with their employers?

Answer. Do you mean in the courts?

Question. In the courts and out of the courts.

Answer. They generally have justice administered to them in the courts, where the question is between persons of color. When it becomes a question between a white man and a black man, why, the odds are bound to be against the colored man, unless in some instances there are judges and magistrates who will rise high enough above the prejudice against the race to do justice because they deserve it; but almost invariably—I will not say that, but I will say that in two-thirds of the trials that occur between white men and black men the black men are bound to come out minus. There is no doubt about that.

Question. You say that in a great many cases colored men who have been employed on farms in the country have not been able to get anything for their labor. Why is that?

Answer. I can give no other reason than this: During the year they have to take up some orders on stores. There is very little money paid to any of them during the year, and if they want to obtain any provisions or clothing they are given an order on some store. I am speaking about the country places principally. At the end of th year these little bills are collected, and however small a quantity of things have been taken up, almost always the colored man is brought into debt. That is alleged as a reason why they should be bound to stay with their employers and work out what they say they owe them.

Question. A sort of practical peonage?

Answer. Yes, sir. Wherever there is much fear that the laborer will go to work with some one else the following year, he is mighty apt to come out twenty-five or thirty dollars in debt, and his employer calls upon him to work it out.

Question. It has been stated that some colored people who are employed prefer to be punished with stripes, as under the old system of things, to going to law and having the law administered upon them.

Answer. I never heard of an instance of that kind, except from whites. Certainly, if any man in this country mingles with the colored people, I do. I am regarded as a prominent leader among them; I am presiding elder of a large district. I have some twenty-seven preachers in my district. I hold from eight to ten camp meetings a year, where from two to three thousand people gather. There is not a week but what I am from forty to fifty, and a hundred to two hundred miles from my home, and I have yet to learn the first instance where a colored man prefers whipping to even any other kind of punishment. I have heard them say they would rather be hung than whipped, for whipping is looked upon among our people as the most degrading of punishments. They would almost rather be hung than whipped, because they feel that whipping is a relic of slavery. If a man is hung, why they think that any man is subject to be hung or to be sent to the penitentiary, but to be whipped has too much of the old slave times about it. It is looked upon as a relic of slavery, as degrading, and therefore they despise it.

Question. They look upon it with a sense of humiliation?

Answer. Yes, sir.

Question. Were you in the constitutional convention that framed the present constitution of this State?

Answer. I was.

Question. I see you have a provision in your constitution which requires the pre-payment of taxes as a qualification for voting?

Answer. Yes, sir.

Question. How is that going to operate upon the colored people?

Answer. I am fearful it is going to destroy their power of representation in every branch of the government, State and national.

Question. Did you or not see that when your constitution was framed?

Answer. No, sir; I was one of the men who advocated that provision. I was inexperienced at the time; a majority of the republicans were against it. I took the position that the dollar tax was to go to educate our ignorant children; that we needed it, and that every man should be compelled to pay at least one dollar a year for the education of the children; and I advocated it for that reason. I think, however, I made a great blunder in doing so. At the time I advocated it I thought, as did many others, that the law would be so framed that if a man did not pay his taxes he would be arrested and punished for it. We did not think it would be left optional with the citizen to pay it or else be deprived of his vote. We did not think that the tax collectors would sit down and put a little notice in the paper that nine-tenths of the colored people never would hear anything about, in consequence of being unable to read, and therefore they would know nothing about when the tax was to be paid.

Question. How many murders do you suppose have been committed in this State, of colored people, since the spring of 1868?

Answer. If you will allow me to go a little behind that, to say from the time reconstruction commenced.

Question. Well, do that.

Answer. We held a Southern States convention week before last in Columbia, South Carolina, at which place there were delegates from all the Southern States. We met together at the request of the committee on murders and outrages, and according to the best of our knowledge and belief it was estimated that since reconstruction between fifteen hundred and sixteen hundred murders had been perpetrated.

Question. In the whole South?

Answer. No; in the State of Georgia.

Question. How many in all the Southern States?

Answer. It was estimated that there had been not less than twenty thousand. That number is what we all agreed upon when considering that question. Every delegation made an estimate of the probable amount of murders in their respective States. Of course it was only an estimate, to the best of our belief.

Question Have the proceedings of your convention been published?

Answer. They are now in press for publication. I will say, however, that it was thought best not to insert in our proceedings this estimate. While it was put in our report, it was stricken out afterward, so that that particular feature will not appear when our proceedings come to be published. The report was curtailed to a small document from what it was originally.

Question. What do your people think of doing; what is their outlook for the future?

Answer. At this present time there is quite a feeling in favor of emigrating from the State of Georgia, and going to Florida and Alabama and South Carolina. I suppose that if the leading men were to give any encouragement to it at the present time the colored people would commence a regular exodus, and that thirty thousand people could be got out of Georgia between now and Christmas, if the leading men would give any encouragement to it.

Question. Would their purpose be to go upon Government land and live?

Answer. Not that only, but to get in such States as they hope will be under the control of the republican party, and not subject themselves to what they are in many instances now subjected to, and what they expect to be subjected to before this legislature shall get through with its proceedings. For instance, there was a bill introduced into this legislature the other day to make it a penal offense for a laborer to break his contract, regardless of the treatment to which he may be subjected.

Question. Has such a bill as that been introduced?

Answer. Yes, sir. For instance, a white man writes out a contract; he gives the black man a copy of it, and takes a copy of it himself. He reads the contract to the black man, and of course he reads just what he pleases. When the black man takes it to somebody else and gets him to read it, it reads quite differently. Among other things, there is a provision in the contract that he must not go to any political gathering or meeting, or if he does, he will lose $5 for every day that he is absent, and yet he is to receive only $50 or $75 a year. Every day that he is sick, a dollar or a dollar and a half is to be deducted. Possibly the man may find that under such a contract as that his wife and children are starving, and he may want to quit there and go and work for some person else who will pay him better wages.

Question. The practical effect of the proposed legislation would be to render the laborer practically a slave during the period of his contract?

Answer. A slave, or else he would be liable to punishment by imprisonment.

Question. Who introduced that bill?

Answer. I do not recollect; there were two such bills presented.

Question. Has the bill been printed yet?

Answer. No, sir; no provision has yet been made for printing bills. There is no doubt that they will pass some kind of law to that effect; scores of them said before they got here that they would do it.

Question. With a view to harmonize the practical relations of labor and capital?

Answer. Yes, sir; that is the phrase.

Question. Are there any other facts which you think we ought to know?

Mr. BAYARD. Facts!

The WITNESS. I am telling nothing but facts, so far as I am concerned. All that I say I am willing should appear in the papers to-morrow, if you choose.

ATLANTA, GEORGIA, *November* 4, 1871.

H. D. D. TWIGGS sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your profession.

Answer. I am thirty-four years of age; I was born in South Carolina, and now live in Washington County, Georgia; I am a lawyer by profession.

Question. What is your official position at the present time?

Answer. I am judge of the middle judicial circuit of Georgia.

Question. It is proper I should say to you that certain communications addressed by you officially to the executive of this State in relation to the condition of affairs in your region of the State, the violence that prevails there, and the insufficiency of the civil authorities to suppress it, have been submitted to my inspection, and I have had you summoned in order that you might give your testimony upon that general subject, which I beg you will do in your own manner, and from your knowledge of the facts.

Answer. It is proper for me to say in the outset that those communications to which you refer were addressed to the governor of Georgia. We were in correspondence in regard to those matters to which you refer, and those letters were in reply, stating certain facts that appeared in the public press. Do you desire me to go into a detailed history of the facts to which I referred in those letters?

Question. I will leave you to make your general statements in your own way.

Answer. Then I will say this: I do know that certain outrages have been committed in some of the counties of my judicial circuit—violations of the civil law.

Question. Will you please state such as now occur to you?

Answer Yes, sir; my statement, of course, will have to be founded principally upon hearsay; those facts did not come under my own personal observation, but I believe them to be true.

Question. In other words, you speak historically, and not as giving judicial testimony?

Answer Yes, sir; I took cognizance of those very cases myself, and they were generally known to be true. I think it was in the month of February that it was reported to me by parties living in Jefferson County that an outrage had been committed upon negroes there confined in jail. If my memory serves me right, there were seven of them who were punished by a lawless band, whoever they were. I understood that they were taken out of the jail, and six of the prisoners were mutilated to a certain extent, a portion of their ears probably taken off, and one of their number was shot. All of them, except one, were undergoing the sentence of the law imposed by myself. They had had trials in the superior court of Jefferson County for misdemeanors, which misdemeanors formerly were felonies in Georgia, but had been reduced to misdemeanors by an act of the general assembly. They were then undergoing punishment in the county jail. The seventh man, who was killed, had never been tried; he had had a preliminary examinary before a justice of the peace, and was charged with the crime of arson by night; I think that was the character of the offense. He burned down a gin-house and mill; I think probably the gin-machinery was moved by water-power. He was in jail awaiting his trial, but before the time for the court to convene he was taken out with the others, and he was shot and killed.

By Mr. BAYARD:

Question. What was the date of that occurrence?

Answer. It was in February, 1871, I think; I will not be positive about the month. I held a special term of the court for the purpose of investigating this matter. I went there and organized the grand jury and charged them, which charge afterward appeared in the public prints. I had no other means in my power of investigating the matter except to lay it before the grand inquest of the county. The people generally were in great consternation, especially the colored people. The citizens of the county repudiated the act. The grand jury investigated the case, and finally reported that they had used every means in their power to ascertain who were the perpetrators of that crime, and the conclusion to which they came was that they could not ascertain who they were, although in their general remarks they utterly repudiated this kind of lawlessness. That is the general history of that transaction.

By the CHAIRMAN:

Question. Do you recollect whether a coroner's inquest was held upon the body of the one put to death?

Answer. I do not; I presume, however, that there was a coroner's inquest. It is usual to have a coroner's inquest in such a case.

Question. You do not remember about that?

Answer. I do not remember now.

Question. You speak of the mutilation of the others; to what extent was that mutilation?

Answer. I have never seen any of the parties, but I understand that a portion of one ear of each man was cut off.

Question. Were they then returned to jail or turned loose?

Answer. They were turned loose.

Question. Do you know what became of them?

Answer. I do not. However, they have since been seen by parties in different parts of the State. I do not know whether any of them remained in the county or not. That is a matter of public notoriety. The account appeared in the public press of Georgia at the time. This other fact, to which I especially referred in my communica-

tion to the governor, was the killing of a negro lodged in Sandersville jail, in Washington County, the place of my residence. That negro had been tried before a preliminary court for arson in the night-time. The particulars of the crime as charged were that he had burned the barn of one of the citizens of the town, very near his dwelling. He was committed for the offense of arson at night, and was in jail awaiting his final trial. I myself reside about a half a mile from the town of Sandersville. The morning after the occurrence to which I am about to refer, I came into the town, and was there informed that the dead body of a negro had been discovered lying in the water of a pond near Sandersville, about a mile, I suppose, from the corporate limits. I went down immediately to the pond myself, and found the body lying there. I had it removed, and ordered a coroner's jury to be summoned. The verdict was that the negro had been shot, having been taken out of the jail the previous night by disguised parties. The number of that party has been variously estimated; some have put it as high as forty or fifty, and others at fifteen or twenty. Only a very few persons saw them, for it was at night. The jailer himself saw them. He made his report to me.

Question. In what way did those parties in this instance, and also in the other case, obtain access to the prisoners in the jails?

Answer. I believe they demanded the keys of the jailer in both instances; that was the report made to me.

Question. Were the keys delivered up willingly, or were they obtained by threats?

Answer. The jailers informed me that of course they were unwilling to deliver them up, but that they had no power to resist.

Question. Do you recollect any other lawless occurrence?

Answer. Of course my examination is confined to occurrences of my own judicial district. I presume I have heard floating rumors of occurrences outside of my district that I know nothing about. There was one other occurrence—the shooting of a man named Gallaher. He was taken out of Sandersville one night and shot; I think that was in December, 1870. He was taken out by unknown parties, shot, and wounded; but he escaped with his life. That is his own statement. He escaped from there and came back to town and remained there until he got well.

Question. Did he state the number who took him out?

Answer. Well, sir, I have heard the number estimated by one party at about sixteen or seventeen, and by another party at a less number—twelve or fourteen, perhaps.

Question. What was the charge against him?

Answer. I do not know what was their charge against him.

Question. You did not hear what charge they brought against him?

Answer. I did not, and I understand he professed not to know it himself. I know his standing in the community; he was a man who it was supposed had been guilty of bigamy. He was a Tennesseean, who had removed to that place to practice law, and had brought with him a woman whom he had called his wife. She was introduced into society there as his wife; but it was afterward ascertained definitely that she was not his wife, and there was a great deal of indignation expressed by the citizens of the community.

Question. What was his full name?

Answer. John C. Gallaher.

Question. Do you know from what part of Tennessee he came?

Answer. I have heard; it is rather a singular name; I think it was somewhere in East Tennecssee, in the neighborhood of Knoxville. I think the name of the place was Marysville.

Question. Do you know who the woman was supposed to be?

Answer. She turned out to be the daughter of a gentleman in Florida, and it turned out that Gallaher had seduced her. I will state further that, after he left Tennessee, Gallaher resided in Alabama for a time, and practiced law there. It was reported that he was there engaged to be married to the daughter of a gentleman there, and it was ascertained, upon examination by members of the bar in the town, that he was then a married man, and had a wife and three children in Tennessee. Of course the proposed marriage was broken off. That lady was also seduced by him. These reports followed him up, and they were investigated in Sandersville by parties there. One night he was taken out and shot there; I do not pretend to say that it was for that reason.

Question. Do you know what his account was in regard to those allegations?

Answer. I never heard him say a word about it. But the matter of his previous marriage was a matter of legal investigation in Sandersville, and his brother-in-law from Tennessee came there.

Question. I understand these cases you have mentioned occurred within your district.

Answer. Yes, sir, and they are all I remember to have occurred there.

Question. Have there been any arrests or successful prosecutions against any of the parties charged with those offenses?

Answer. In the cases to which I have referred?

Question. Yes.

Answer. There have been none, although the utmost efforts were made to bring them to justice; everything that could be done was done. I feel it to be but just to the people of those counties to say that those acts are entirely repudiated by them. I believe them to be the acts of irresponsible parties, lawless individuals, actuated by sinister motives.

Question. Of course, as the representative of administrative justice, the conservator of the public peace, you would not justify or tolerate men taking the law into their own hands, even against acknowledged criminals?

Answer. I hardly think it necessary for me to say that I would not.

Question. If these bands go about committing the acts you speak of, in defiance of public sentiment, and with the officers of the law pursuing them, what is the reason that they have not been pursued by the hue and cry, by a rising *en masse* of the people to drive them out of the country?

Answer. They have been pursued with the hue and cry. In that connection I will give you an instance. It has been impossible, up to this time, to identify these parties, so far as my knowledge is concerned; they are parties who appear sometimes in disguise, and at night, and from distant sections of the country. Every effort has been made by good people to find them out and to put them down. It was well known in our community, to the prominent men of all classes, that these acts would prejudice our country, would injure the interests of our community, socially and industrially. And finally, within about four or five months, perhaps within less time, the people of Washington County have had a general meeting, at which they expressed in the most unqualified terms their condemnation of these things, and there they adopted resolutions to pursue them with fire and sword. Since that time it has been perfectly quiet there, and I think these things have ceased to exist in that section of the State.

Question. What is your best judgment, so far as you have been able to form one, as to whether those offenders were people from the immediate vicinage, or persons who came there from a distance?

Answer. Well, sir, it is impossible for me to say; I do not know.

Question. Have you directed your attention to the developments that have been made in different parts of the country in respect to an organization popularly known as the Ku-Klux Klan, sometimes called the Invisible Empire?

Answer. I have seen what the public press has said about it.

Question. Then you are aware that those developments show that the organization is made up of local combinations called dens, and that they affiliate with each other?

Answer. I have heard so; I do not know.

Question. And that the den or conclave that makes an order does not execute it, but calls upon a neighboring one to detail men for that purpose?

Answer. I know nothing of that fact; in fact, I never heard that before.

Question. You never have?

Answer. No, sir.

Question. I made that statement with the view of predicating upon it the question whether you had any reason to suppose, from the circumstances or indications that always present themselves in connection with such affairs, that those parties where from a distance.

Answer. I could only answer with regard to my own community. It has been the opinion, and expressed in the counties to which I have referred, that those parties came from a distance; that is the opinion; I do not know whether it is true or not. I presume there is some color for the story, because it seems to me that the grand juries of the different counties, and the civil authorities, would have had the means to ascertain who they were had that not been the case.

Question. Are you prepared to say that that is the belief, as well as the opinion, of the people there?

Answer. I do not know that there is any distinction between belief and opinion; I do not know what distinction you would make between them; certainly a very refined one, if any.

Question. If you use the words as synonymous, of course my question is answered.

Answer. One is probably a stronger conviction than the other, but I do not think there is a very strong conviction upon the subject.

By Mr. BAYARD:

Question. What counties are embraced in your circuit?

Answer. Glascock, Washington, Jefferson, Johnson, Emanuel, Tatnall, and Montgomery.

Question. That is a large judicial district?

Answer. Yes, sir.

Question. Is there any other judicial circuit with so large a territory as that?

Answer. I have never examined, but I think it is about as large as any other in the State.

Question. How is it in regard to population; is it thickly settled?

Answer. Yes, sir; very thickly settled indeed; it is what is called the black belt of Georgia. I believe the counties of Jefferson and Washington were regarded as the best agricultural districts of Georgia, and there were more slaves there before the war than in any other part of the State.

Question. It is, therefore, in the very heart of the State, and in the center of what you term the black belt?

Answer. Yes, sir; a portion of the black belt.

Question. Have you generally retained your negro population?

Answer. Yes, sir; I have known very few departures of emancipated slaves from that region of country.

Question. What has been your experience in regard to the colored people seeking the towns since their emancipation?

Answer. Well, sir, it is that they generally flock to the towns and villages.

Question. Why?

Answer. I presume it is for the purpose of getting lighter work than field work, getting more pleasant locations, and then also the general idea of seeing exhibitions and crowds and shows; they are very impressible creatures. That is confined principally to the larger towns; in the case of villages it is not so much so.

Question. They like to go in crowds?

Answer. Yes, sir.

Question. What have been the relations to each other, in your district, of the colored people and the whites within the last two or three years?

Answer. Most friendly; I might say they have been confidential.

Question. There have been kindly feelings between them?

Answer. Kindly feelings.

Question. Have you known many cases of oppression of colored people by their employers, and extortions from them?

Answer. I have never known of an instance.

Question. Have you had any case brought before you of that kind?

Answer. No, sir.

Question. Suppose a case of oppression should arise, where the employer of a negro treated him unjustly in respect to his wages, by withholding from him his due, do you believe your courts of justice and your juries would efficiently and promptly give him justice?

Answer. Unquestionably; and I will go further than that, and say that there is a sort of mawkish sensitiveness on the part of juries and officers of the law not merely to see that justice is given them, but I believe they would go further and do more to give them justice than they would to white men, because they have been suspected by parties outside of no desire to do so. I have never known of an instance where they have not had complete justice on the criminal side as well as the civil side of the court.

Question. Do you believe that the juries would give them prompt justice?

Answer. Not only would do so, but they have done so. I can say, further, that I know within the last six months of two white men who were tried in Washington County superior court for the murder of colored people. One of them was convicted of voluntary manslaughter, and sentenced by me to the penitentiary for twenty years, which was the extreme penalty of the law. The other was convicted of murder, (I do not think the jury was out fifteen minutes,) and was sentenced by me to be hung on the 1st of September.

Question. Is he now awaiting his sentence?

Answer. No, sir; he escaped from the jail of an adjoining county, where he was placed for safe-keeping.

Question. The other is now undergoing sentence?

Answer. Yes, sir.

Question. There is no trouble before your juries in the way of a colored man obtaining justice?

Answer. No, sir; not the slightest, and that is generally known and recognized.

Question. What would be the opinion among the people of your district, among the respectable men without regard to their politics, of a man who would withhold from a negro or a laboring man his just dues?

Answer. He would be visited with unqualified condemnation upon the part of the people.

Question. You have stated here several acts of lawless violence which have occurred within your district within the last two or three years?

The CHAIRMAN. Within the last year.

By Mr. BAYARD:

Question. Well, within the last year. Do they comprise all the cases that occur to your memory at this time?

Answer. All that have come within my knowledge. I will go further; it has been unfortunate and very much to be regretted that in that judicial district there has been more of this sort of thing done than anywhere else in the State. I have seen newspaper reports of similar occurrences in other parts of the State, but I believe that this kind of lawlessness has been greater there than anywhere else.

Question. In reference to these cases, what is the sentiment of the people of your county, the men of intelligence and respectability, without any regard to their political affiliations?

Answer. As I have said before, it meets with their most unqualified condemnation. The back-bone of the country, the best people of the country, utterly repudiate such acts.

Question. You said that feeling had lately taken the shape of a public meeting?

Answer. Yes, sir; of the citizens of Washington County, who denounced these things. And such has been the public pressure upon these parties, whoever they are, that these things have ceased. I have heard of nothing of the kind recently in that community.

Question. What would you say was the present condition of your district, so far as peace and good order are concerned, as well as the security of person and property?

Answer. The good order and peace, quiet and prosperity of the people are in as good condition as I have known before or since the war.

Question. Are your people industrially occupied?

Answer. They are.

Question. Do you find a greater degree of industry among the white people there than you observed before the war?

Answer. Of course, much greater; because a great many men now depend upon their own manual labor for their support.

Question. Were they formerly men of affluence?

Answer. Yes, sir.

Question. And they have been reduced to the necessity of personal labor?

Answer. That is true in many instances.

Question. What is the sentiment of the community, and I will say that class of the community termed society, toward men who do sustain themselves by manual labor, as to whether or not a man loses any degree of the popular estimation in which he was held by reason of now being engaged in manual labor?

Answer. I think such men are rather elevated than have lost any of their respect.

Question. It has been stated to this committee by some witnesses that southern white men disdained labor with their own hands, and that, if they were guilty of performing it, they lost caste with their former associates; I would like to have your opinion upon that subject.

Answer. That is untrue. The fact is this, that before the war, if the young men of the country, the very best men of the country, the best blood of the country, had been engaged in the employments in which they are now engaged, they could not have retained their position in the country. I know that there are such now on railroad cars, as conductors, as express messengers—there are many who perform manual labor, and society has not turned its back on them. These men have the *entrée* into the best society of Georgia; I have been surprised at that. I have seen young men in the city, as conductors upon street-cars, who before the war would not have been noticed if they had performed such avocations; yet now they have the *entrée* into the best society.

Question. And in regard to ladies, high-bred and cultured women, are you aware of their performing menial offices?

Answer. I do not know that I can say menial, because that has not come under my observation. But I know many of the finest ladies, cultivated, intelligent, who are giving music lessons, teaching schools, &c.

Question. I mean ladies who perform in their own household the work which was formerly done by domestic servants whom they employed.

Answer. Certainly; because they cannot employ help to perform all their household duties.

Question. Are you aware that upon the farms ladies have actually performed work out of doors of a menial character?

Answer. I have no doubt that is true, but I do not know of my own knowledge that such is the case. I know there are many people in the lower ranks of life, females, who do such work, in our part of the State, especially; I do not know of any that you would call ladies who do so.

Question. The necessity for this has been produced by the war?

Answer. Of course.

Question. Have you ever found a case among all the cases of lawlessness that have been brought to your knowledge, where colored people have been engaged in it?

Answer. Yes, sir; and I beg pardon of the committee for having forgotten to state a fact in that connection. There were a number of colored men who made a raid upon a lady in Johnson County, one of the counties of my circuit, within the last three

months. They demanded her money or her life. They went into her house, and robbed her of everything she had, and then made their escape.

Question. Were they disguised?

Answer. I cannot say whether they were or not; it seems to me I have heard they were, but I will not be positive.

Question. Was she a white lady?

Answer. Yes, sir.

Question. Have any arrests been made in that case?

Answer. Yes, sir.

Question. Has any one been convicted and punished?

Answer. Not all of them.

Question. You keep yourself generelly informed, I suppose, of the condition of affairs throughout the country, in the Northern States as well as here, by reading the newspapers?

Answer. I am pretty generally informed.

Question. Have you visited the northern country at all since the war?

Answer. No, sir.

Question. Have you been in communication with northern gentlemen?

Answer. I have been.

Question. I will ask you whether, in your opinion, the average amount of lawlessness and crime within your district is greater than that of a district of similar territory and population in the Northern States.

Answer. I am inclined to think, from newspaper reports, that there has been more crime in northern cities of the same territory. I desire to be particular in that answer. My attention has not been called particularly to the agricultural districts of the North, but more particularly to the towns and cities; I see from their records more instances of crime noted than in the cities and towns of the South.

Question. Do you believe the statistics of crime, fairly presented, would place your State, and your own district, in as favorable an aspect as other communities of similar population and extent of territory?

Answer. I have no hesitation in saying I do believe it.

Question. Of course, it is a matter of opinion merely?

Answer. Certainly.

Question. It is our desire to ascertain the true condition of your State; that is the reason I am asking such very general questions of you.

Answer. By way of explanation, I will say, as I said before, that the outrages to which I have referred, and those which I have heard of, have occurred in a particular portion of the State—in the same portion of the State. I have heard nothing at all in regard to the balance of the State. If crimes were equally distributed over the State of Georgia, I think the statistics would show that there is about as much lawlessness now as ever.

Question. Have you been present at the holding of elections in your State?

Answer. Not since I have been made a judge; I was before.

Question. You have been at the polls?

Answer. Yes, sir.

Question. Are the elections in your district quiet and orderly?

Answer. Yes, sir; within the last two years they have been markedly so.

Question. Has there been any disposition, so far as you know, to interfere with the rights of men to vote as they might desire?

Answer. I have never heard of any; I mean within the last two years. There were disturbances before, directly after the war.

Question. Are you aware of any attempt having been made to prevent negroes from exercising the privilege of franchise?

Answer. I have never known of an instance; in fact, they generally get the preference; they get up earlier, and go to the polls and occupy them.

Question. Have you in your district immigrants from Northern States, gentlemen who have come to settle among you?

Answer. Not in my immediate district, because it is at this time not attractive to such settlement. The lands have been, I will not say unfruitful, but the crops, especially cotton, have not brought a good price. But in the counties cut off from my district, the counties of Richmond, Burke, Columbia, and McDuffie, there are many northern people settled there. I myself sold my plantation to a northern man.

Question. Are those persons from the North received with courtesy and welcomed by your people?

Answer. Astonishingly so; I have never seen men who were better pleased with their prospects.

Question. You have met this gentleman since he came there—the one who bought your plantation?

Answer. Yes, sir.

Question. Does he seem gratified with his purchase from you, and with the manner *in which* he has been met by the people of Georgia?

Answer. Perfectly so.

Question. Have you heard any statement from any northern man indicating a feeling of insecurity?

Answer. None whatever. On the contrary, there has been a very general expression on the part of those gentlemen who come to Georgia of surprise at the state of things here. I have heard men say that if they had lived at the North for a hundred years, supposing they could live so long, they never would have been so well instructed as to the sentiment of the people of this State as they have been by coming to the State. They said that, from the newspapers which they read, they had supposed that there was a perfect reign of terror here, and they were surprised at the security which they found to exist. I lived ten miles from Augusta. I sold my plantation to a gentleman from New York, and that attracted others there. Some half a dozen of my neighbors sold out their plantations, and immigrants poured in from different quarters. We have quite an element of northern people near Augusta.

Question. And is there any inquiry made, or any discrimination against northern men there, because of the opinions they may individually hold in regard to political matters?

Answer. None whatever; that is all an idea; the fact is, that while it might have been dangerous before the war for a man to have expressed too freely his opinions, that has all now disappeared. A man is secure anywhere in the State of Georgia, in my judgment, in the expression of his political opinions.

Question. You said something in regard to their being instructed by coming here; do you mean by that, informed in regard to the real sentiments of the people?

Answer. Yes, sir.

Question. You believe your people have been misrepresented in the Northern States?

Answer. There is no question about that.

Question. And that the stories of the lawlessness and hostility of your people towards citizens from the Northern States are untrue?

Answer. Yes, sir; and they have expressed very great surprise at it.

Question. Have you any knowledge, or I will say even any suspicion, that there exists in the district of Georgia with which you are acquainted anything like an organization of hostility to the Government of the United States?

Answer. None that I have ever heard of.

Question. You have jails in your counties?

Answer. In most of them; some of them were burned during the war, and have not yet been built.

Question. Describe to us the general character of those jails as regards their security and capacity to hold prisoners?

Answer. A great many of them are very insecure, indeed. In fact, the very instance to which I referred just now is a case in point, where a man was sentenced to be hung. I sent him to Milledgeville, to be confined there, on account of the insecurity of the Washington jail. A great many of the jail buildings in Georgia were burned by General Sherman as he passed through, and a great many temporary buildings throughout the country have been erected. As a general thing, even before the war, they were little wooden structures, and quite insecure.

Question. We have had here a very long and a very sad catalogue of whippings of colored people; the use of the rod and whip seems to have been quite frequent in the State. I wish to ask you, as this is to be a matter of published testimony, whether punishment by flagellation was not the customary punishment on plantations for all offenses against social order and discipline?

Answer. Of course.

Question. And whether, under that system, when a negro committed a theft, for instance, or was guilty of violence or assault and battery, or any offense of that character, his master made application to the courts of justice, or did he punish him of his own will, and according to his own discretion?

Answer. There were a great many instances of that kind.

Question. Was that the general rule?

Answer. It was so in a great many instances, but I do not know that it was a general rule. In the great class of misdemeanors committed by colored people there was no prosecution in the courts at all; they were generally punished at home, sometimes in one way and sometimes in another. In fact, I believe that, as a general thing, they preferred it themselves.

Question. It was a shorter punishment?

Answer. Yes, sir; and then they did not wish to be subjected to something that might be more severe.

Question. And in that way that method of punishment was a much more common one, growing out of the habits of the country in that respect?

Answer. Of course; that was the common punishment.

By the CHAIRMAN:

Question. Do I understand you as saying that the common punishment inflicted upon the slave was the same in character and kind as the violence visited by these organized bands of disguised night marauders upon their victims?

Answer. I have no knowledge of anything of that sort, of punishment of that character. They certainly have not occurred in my district; therefore, I do not wish to be understood as comparing the two kinds of punishment, because I do not know.

Question. If your previous statement amounts to anything, it appears to me it amounts to that.

Answer. You spoke of marauders taking out parties and chastising them; I know of a great number of instances where parties who have employed servants on their plantations have themselves inflicted corporal punishment. I cannot remember now to have heard of any disguised bands who have taken negroes out and whipped them.

Question. Do you mean to say that, since the emancipation proclamation, persons employing laborers upon their plantations have themselves caused them to be scourged?

Answer. I have heard of that in some instances; in fact, I have heard that the negroes themselves preferred to be punished in that way to having the civil law visited upon them, and to be obliged to leave their employers.

Question. Do you countenance that sort of proceeding?

Answer. Of course not. The instances are few.

Question. Did I understand you correctly as saying that your knowledge of lawless acts of violence was limited to your own district?

Answer. No, sir; you did not understand me to say so. I said that to a great extent it was; that more of it had been committed in my immediate district than in any other; that is my opinion from what I have seen.

Question. What do you refer to, other than the three instances you have spoken of?

Answer. I refer to the general newspaper reports from all parts of the State.

Question. Have there been other acts of lawless violence in your district than those you have mentioned; such as taking men out and whipping them and otherwise abusing them?

Answer. I think I have answered that question, that I have known of no others.

Question. You have never heard of any others than those you have mentioned?

Answer. I have heard of none that I think of now.

Question. You have never heard of any instance of disguised bands taking men from their homes and whipping them at night?

Answer. I have been trying to think whether I had heard of it in my district or elsewhere; I cannot remember any instance.

Question. Then your impression is, that those three acts of violence of which you have spoken, the proceeding at Louisville, the proceeding at Sandersville, and the shooting of Gallaher, constitute a greater proportion of acts of lawless violence than has occurred in any other district?

Answer. Taking the character of outrages into consideration, I certainly think so. There may have been others in my district, but I do not remember them now. [After a pause.] I beg your pardon, I do recollect another, and I wish to be correct in this matter. It is difficult for me to recollect all these instances readily. I heard of an instance in Washington County, where some negroes were taken out for stealing, and strapped, on a plantation near Sandersville. That is one instance I now recollect; I think some two or three negroes were taken out and strapped.

Question. What do you mean by "strapped?"

Answer. They took a leather strap to them, I understand, because it is less liable to inflict a bruise or wound.

Question. The same instrument which was ordinarily used by the master in times of slavery?

Answer. I do not know that there was any particular kind used then; there was sometimes a switch or rod used. In this instance, I heard they were strapped with a wide piece of leather; it does not create a bruise or sharp cut like a hickory.

Question. It does not mutilate the person?

Answer. No, sir.

Question. Like an ordinary rod?

Answer. No, sir.

Question. Did you ever hear in the days of slavery of a negro woman being taken out, her clothes stripped from her person, herself thrown upon her face, and one man standing on her head and another on her feet, while others, with a large rod, scourged her with multiplied blows?

Answer. I never did.

Question. Did you ever hear of their taking out an old woman, say fifty years old, her daughter, and another young girl, and compelling them to expose their persons to the jeers and insults of a company of men?

Answer. I never have, at this or at any other period.

Question. You say that these negroes who were charged with robbing a white lady were pursued and brought to justice?

Answer. Yes, sir. They were detected in the act; I believe some parties were by, but not strong enough to arrest them then. I think some one of them made a confession afterward, which led to the detection of the others.

Question. There was no difficulty in punishing them, I presume?

Answer. No, sir; there is no difficulty in punishing any one who is arrested, upon proper testimony.

Question. This man who was condemned to death for killing a negro, you say broke jail?

Answer. He was released from jail.

Question. By whom?

Answer. I understand by a party of men.

Question. By a party of men in disguise?

Answer. Yes, sir.

Question. In what county?

Answer. In the county of Baldwin, in the jail at Milledgeville, where he was sent by me for safe-keeping.

Question. Did you understand how many men were concerned in that?

Answer. The estimates are so various and uncertain that I have been unable to form a definite idea.

Question. What were the estimates?

Answer. At first the jailer said he thought there were fifty or sixty; but I have understood that other parties who saw them estimated them at fifteen or twenty; men on horseback, straggling about, make a big show.

Question. Were they disguised as well as their horses?

Answer. So I am informed.

Question. Is it an offense, and if so, what grade of offense, in this State to rescue from prison a convict condemned to death?

Answer. It is a penitentiary offense.

Question. Have any arrests been made or any parties brought to trial and punished for this offense?

Answer. None; it was out of my jurisdiction; I know nothing of the efforts made; I suppose some have been made.

Question. This convicted murderer is still at large?

Answer. Yes, sir; the general supposition was, at the time he was taken out, that he was not taken out by any parties from Washington County. He was originally from Glascock County, and belonged to a bad class of people there, and was connected with a class of bad men in that community who sustained him. It was supposed that his friends took him out.

Question. Have you heard of other instances where parties arrested and imprisoned upon charges have been rescued from prison by bands of disguised men?

Answer. The same man was rescued from prison once before.

Question. What prison was that?

Answer. At Sparta, in Hancock jail.

Question. Upon what charge was he then in prison?

Answer. Murder.

Question. This same murder?

Answer. No, sir; another murder, the murder of a white man, the superintendent of a factory in Sparta, I think. I presume he was taken out by the same parties, but I do not know.

Question. Have your sheriffs any authority to summon a *posse* to guard their prisoners?

Answer. Yes, sir.

Question. You have been asked with regard to the amount of crime in the Northern States; I understand you to say that in your opinion there is more crime there than there is within your knowledge in your own community?

Answer. I believe so.

Question. Do you know whether the ratio of crime and punishment is greater or less?

Answer. Do you mean the ratio of punishment to crime?

Question. Yes.

Answer. Really, I do not know; my attention has not been attracted to the consequences of the acts of those men at the North; I have only seen the statement of facts.

Question. Have you seen any authentic instance, either in the press or otherwise, of any persons being taken out of jail, and their persons mutilated, in either of the six New England States?

Answer. I do not direct my mind now to any such instance; I have seen accounts of several outrages that have occurred in the Northern States; I cannot direct my attention now to any particular State.

Question. Well, I will say in the State of New York?
Answer. I do not remember.
Question. In the State of New Jersey or Pennsylvania?
Answer. I do not remember.

By Mr. BAYARD:

Question. Let me refresh your memory on that point. Do you remember a case which occurred in Oneida County, New York, within the last twelve months, where a white school-mistress, living in the family of a democrat, who was a married man, his wife in the same house, was taken out of the house at night by a band of white men, who stripped her of her clothing, covered her with tar and feathers, and rode her on a rail; and those men have not been brought to justice or tried in that county?
Answer. Since you have refreshed my memory, I will say that I have heard of that occurrence.

By the CHAIRMAN:

Question. How did you hear of it?
Answer. I think I saw it in the public prints.
Question. Do you know whether any efforts have been made to arrest the perpetrators of that outrage?
Answer. I do not.

By Mr. BAYARD:

Question. Was not the charge against her that she had held improper relations with the man?
Answer. I do not remember what the charge was.

By the CHAIRMAN:

Question. You have a recollection that you have heard of such a case?
Answer. Yes, sir.
Question. Do you recollect any other case of the kind?
Answer. No, sir. As I have before said, while I am confident that I have seen several instances, not of a like character, but of a different character, I am not able now to locate them; I did not charge my mind with them at the time. But I remember frequently to have thought about the matter, to have noticed that these things were going on, in connection with the charges made against the people of our State.
Question. I suppose you read in the papers the other day an account of a riot in the city of Los Angelos, in California, in which quite a number of Chinamen were killed?
Answer. Yes, sir.
Question. And you have also read that the grand jury of that county at once assembled and promptly indicted a great many of the raiders, who were arrested?
Answer. Yes, sir; and in every instance in my district where an outrage was perpetrated the grand jury have promptly assembled.
Question. Have they presented anybody?
Answer. No, sir.

By Mr. BAYARD:

Question. Was not the riot of Los Angelos committed by undisguised men?
Answer. Yes, sir.

By the CHAIRMAN:

Question. You have said in your communications to the governor of this State that the civil law was powerless to prevent these crimes?
Answer. Yes, sir; I meant that it was because those crimes were committed by parties in disguise who could not be reached.
Question. And that you had exhausted all your power to discover the perpetrators, but had failed?
Answer. Yes, sir; they were very great outrages; there is no question about that; and the community was indignant, as I was myself, at the occurrence.

By Mr. BAYARD:

Question. You believe that state of things is now passing away?
Answer. I have no hesitation in saying that public sentiment has put it down.
Question. You believe that public sentiment was aroused to the necessity of putting it down, and that it has suppressed it?
Answer. Yes, sir; I have heard of nothing of that sort occurring in the county since this public meeting; the people were thoroughly aroused.
Question. I will extend the inquiry to your entire district.
Answer. I have heard of nothing in the district since.

By the CHAIRMAN:

Question. Have you heard of any homicides in the adjoining county of Burke within the last few days?

Answer. Yes, sir.

Question. What is your information in regard to that?

Answer. I did not learn it until I came here to Atlanta; I have merely seen a statement made that a homicide had been committed there, but I do not know the character of it at all.

Question. You have been asked a great deal in regard to the social condition of affairs, and with reference to the county of Richmond, for instance; Augusta is in that county?

Answer. Yes, sir.

Question. Do you know what is the social feeling there toward republicans generally, and especially toward those of northern birth?

Answer. Immediately in Augusta I cannot now state, for I do not remember any in the city of Augusta at this time. But there was a class of people, immediately after the war, who came to Augusta and were not received into society at all. It was a class of people who were politicians generally, and men who came down to make capital of the results of the war, who were regarded and termed scalawags; those people were repudiated.

Question. And were not allowed to visit there?

Answer. Yes, sir.

Question. Do you know how it was with Governor Conley, who, I believe, was a resident of Augusta?

Answer. Yes, sir; I know that he has been proscribed simply because they regarded him as a southern man who had affiliated with a class of unworthy politicians.

Question. He was a reputable man?

Answer. Yes, sir.

Question. A man of the very highest character?

Answer. He is a man of as high personal character, I think, as any I know of.

Question. An honest man, who acts from his convictions of duty?

Answer. I am not prepared to say how he acts.

Question. Is not that his reputation?

Answer. Yes, sir, so far as he is concerned.

Question. I will put the question to you directly: has it not been a stigma upon any man in that part of your State to be a republican, and especially an active member of the republican party?

Answer. Yes, sir.

Question. Is he spoken of as a republican or a radical?

Answer. Understand me in answering your question, it is not a stigma to be an active member of the republican party in the case of a man of northern birth; but a man who has heretofore been with the democratic party in the State of Georgia, and who has become a republican in the new state of things, toward such a man there is more or less antipathy. But in regard to gentlemen of northern birth who have come here, I think their political opinions make no difference with the people of Georgia.

Question. What is the term applied to them; how are they described in ordinary conversation?

Answer. Do you mean southern republicans?

Question. I mean the whole republican party; or, to get at what I mean, I will say, are they called republicans or radicals?

Answer. They are called radicals oftener than republicans.

Question. That is used as a term of reproach, is it not, and understood to be a term of reproach?

Answer. I cannot say it is a term of reproach, except when applied to southern people.

Question. To those whom I think you denominated scalawags?

Answer. Yes, sir.

Question. In other words, it is a reproach for a southern man to join the republican party and act with it?

Answer. Well, sir, it has been considered so, in the case of one who has been acting heretofore with the democratic party.

Question. Nothing better is expected of a northern man; he receives less opprobrium on that account?

Answer. It is simply this: a man of northern birth and of northern education is not proscribed, because it is natural for him to entertain his local opinions. Particularly is this the state of things in Georgia, because those people who are called scalawags and republicans here have made capital out of the state of affairs in Georgia, of her misfortunes.

Question. Do you include Governor Conley in that statement?

Answer. No, sir; you asked me about him just now. I will say that I have heard leading prominent democrats characterize him as an honest man, and he is so regarded.

Question. You have been asked in regard to the condition of the negro; what are the facilities given to him for instruction?

Answer. In the disorganized state of things after the war, we had no facilities for instruction; but the legislature have since, in 1870, made provision for the instruction of colored people, and colored schools have been established. There is one now in my town, and it has been going on for some years.

Question. There have been free schools for colored children?

Answer. Yes, sir.

Question. By whom taught?

Answer. By white men and by colored men.

Question. By natives or strangers?

Answer. The one in Sandersville is taught by a native white man.

Question. Have ladies from abroad opened schools in that part of Georgia?

Answer. There has been none in that part of Georgia.

Question. Do you know whether schools have been opened under the auspices of a sect of people called Quakers, who have supported them?

Answer. I do not.

Question. Do you know whether any colored schools have been started by persons from abroad, benevolent people, who desired to see the education of the colored children?

Answer. I have heard of such.

Question. How are such schools regarded and such teachers received?

Answer. Well, sir, I have no hesitation in saying that generally now the education of the colored race is receiving a great deal of attention at the hands of the southern people. That was not the case formerly, as you know; but I believe it is a general disposition on the part of the people of the South, and in Georgia particularly, to educate the colored people. As regards the standing and status of the native who undertakes that employment, I will say that the gentleman who taught this colored school in the town of Sandersville was a respectable man, and a man who never suffered any detriment from his calling.

Question. Has that been the general feeling toward persons engaged as teachers of colored schools?

Answer. I do not know that to be the case.

Question. Have you information of colored men teaching schools of their own race?

Answer. Yes, sir.

Question. Are they colored men who are active in political matters?

Answer. They have been; I do not think so much so now.

Question. How were they regarded?

Answer. Immediately after the war there was a great deal of excitement, and there was considerable feeling against them, of course.

Question. Have you known any such to be abused, or in any way maltreated, because they engaged in politics?

Answer. Yes, sir, I have heard of some instances; I do not remember the individual cases now. That was immediately after the war, when there was a great deal of excitement. I know of no such cases, of my own knowledge.

Question. Do you know of any such cases since what is called reconstruction has been inaugurated?

Answer. Less since that time than before.

Question. I understand you that, as a general, if not a universal rule, the negroes have demeaned themselves well, and there has been very little disorder by them.

Answer. I think so, very little. I think they have behaved themselves remarkably well; certainly so in my part of the country.

Question. Will you allow me to ask with what political party you have been identified?

Answer. Yes, sir; I have always been connected with the democratic party.

Question. And you are still a democrat?

Answer. Yes, sir.

Question. You received your appointment from Governor Bullock?

Answer. I did, sir.

Question. State whether in making his appointments he is confined to his own party.

Answer. Generally he is.

Question. How generally?

Answer. I will speak of the judicial appointments in Georgia. There are twenty judicial districts in the State of Georgia, and of the judges of the superior court appointed to those districts I know, of myself, Judge Robertson, Judge Alexander, Judge Wright, and Judge Schley, who are democrats. I do not pretend to say to what shade of politics the others belong, but those I have mentioned are recognized as democrats.

By Mr. BAYARD:

Question. Were there any white lawyers of capacity in your county acting with the republican party whom Governor Bullock could have selected for the office of judge?

Answer. No, sir, I think not.

Question. In fact, the choice was between a white gentlemen of capacity and of moderate political sentiments and a negro?

Answer. Not that.

Question. Well, between him and a very unfit person?

Answer. In that particular case I do not pretend to say what motives actuated Governor Bullock.

Question. Had he any selection on the other side?

Answer. I think not.

Question. You have been asked in relation to the feeling toward teachers of colored schools; you have said that in a case right in your own town of Sandersville a reputable white man was engaged in teaching negroes in their schools, and that he had not lost anything in the opinion of the community?

Answer. No, sir.

By the CHAIRMAN:

Question. What was his name?

Answer. His name was Northington; I think his first name was Kinchin.

By Mr. BAYARD:

Question. I will ask you if a man goes there to preach to colored people as their spiritual instructor, or to teach their children as their instructor in that respect, in their Sunday-schools or in their day-schools, is any objection raised in the minds of your people because of his so doing?

Answer. Why, certainly not.

Question. If that man, either as a clergyman or as an instructor, combines party politics with his teaching, would not that in all cases lose him the respect of the community?

Answer. I certainly think so. When they have confined themselves entirely to their duties I think there has been no difficulty, and there is none now; I am satisfied of that beyond all question.

Question. You say your people have the same contempt for a man who seeks to combine religion and politics, or education and politics, that most sensible men have in the Northern States?

Answer. I presume so.

By the CHAIRMAN:

Question. Have you heard of any complaint being made against any preacher or teacher for engaging in politics where he has been a democrat?

Answer. I know of no such instance at all, because my attention has not been directed to that class of people. I merely said that if there were such instances where people combined politics with teaching, I would suppose that they would be objected to on that account.

Question. Is it a novelty for preachers to engage in politics?

Answer. It is.

Question. Did you never hear of a gentleman of very high standing in the Methodist Church, and a preacher, who was also a Senator in the Senate of the United States from your State?

Answer. I do not remember.

Question. Was not the Hon. W. M. Colquitt a preacher?

Answer. Yes, sir; I remember him.

By Mr. BAYARD.

Question. When was that?

Answer. It was before my time; it was before I was born, I think; it certainly is not within my recollection.

By the CHAIRMAN:

Question. Have there not been other instances of clergymen who were engaged in politics?

Answer. I think they are rather exceptional in Georgia.

Question. Did that gentleman lose any standing because of that?

Answer. I never heard that he did.

Question. Is it a feeling in Georgia that a clergyman or a teacher must forego his political rights?

Answer. Why, no, not forego his political rights, of course.

Question. Do you remember a very distinguished ecclesiast, who died a few years ago in your State, by the name of Leonidas Polk?

Answer. I do.

Question. Did he lose any of his standing or esteem by blending his profession with other pursuits?

Answer. I do not know that he was ever a politician; he was a divine of the Episcopal Church and a soldier, a graduate of West Point. He was not a Georgian; he was a Louisianian.

By Mr. BAYARD.

Question. Did he lay down his sacerdotal functions when he took up the sword?

Answer. Yes, sir; he was appointed by the president of the confederate states because he was a graduate of West Point.

Question. You have stated that in your political affiliations you have been a democrat; I will ask you whether since you have ascended the judicial bench you have taken part actively in party politics, or whether you have considered your office as segregating you from party politics?

Answer. I have not taken any part whatever.

By the CHAIRMAN:

Question. You have not voted?

Answer. No, sir; I have not voted.

Question. When were you appointed?

Answer. In October, 1870. I do not say I would not have voted, for I think I had the right to do so; but I was absent when the last fall election took place.

Question. You say that, in your opinion, there was no man in your judicial circuit who was fit for judge of the superior court except a democrat?

Answer. I think not; I do not think there were any republicans in my district, with the exception, perhaps, of the solicitor general.

By Mr. BAYARD:

Question. And he already held that office?

Answer. He was solicitor general at that time.

Question. And is he so still?

Answer. Yes, sir.

Question. He is a republican?

Answer. So regarded, I believe.

By the CHAIRMAN:

Question. With that exception, you think there was nobody in that district who was not a democrat who was fit for that office?

Answer. I do not know of any white republican in the circuit at all; I do not know of one, with the exception to which I have referred.

Question. What is the voting population of Washington County?

Answer. Well, sir, I disremember; I know, too, but I have forgotten.

Question. What is the relative proportion between colored and white?

Answer. I think there is about an equal division between the two.

Question. Do you recollect how many republican votes were given last fall in the congressional election in that county?

Answer. I do not.

Question. The republican vote of course was confined to the colored vote?

Answer. Yes, sir.

Question. You do not recollect what it was?

Answer. No, sir.

Question. Do you remember how it was in Jefferson County, or Hancock County?

Answer. I do not.

Question. Or how it was in Glascock or Jefferson County?

Answer. No, sir; there are very few colored men in Johnson County.

Question. How with regard to Emanuel, Tatnall, and Montgomery Counties?

Answer. The same way in those counties.

Question. Do you recollect how those counties stood?

Answer. I do not. Tatnall and Montgomery have been added to my circuit during the last twelve months.

By Mr. BAYARD:

Question. You have considered that your judicial functions required you to abstain from taking an active part in politics?

Answer. I have taken but little part in politics.

ATLANTA, GEORGIA, *November* 4, 1871.

T. G. CAMPBELL, JR., (colored,) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I am thirty years old; I was born in New York City, and I now live in Darien, Georgia.

Question. How long have you been living there?

Answer. About three years.

Question. Are you in the legislature of this State?

Answer. Yes, sir.

Question. In which house?

Answer. The lower house.

Question. What county do you represent?

Answer. McIntosh County.

Question. You are the son of Senator Campbell?

Answer. Yes, sir.

Question. Are you able to give us any information of any lawless violence that has been attempted or practiced in your region of the country upon yourself or upon your people?

Answer. Nothing more than a conspiracy was about completed to poison me. I was notified of the fact by a lady of the name of Mrs. Moran. She lives in the city of Darien; she sells little things about the streets; she happened to be sitting near by those parties and overheard them.

Question. Who were the parties?

Answer. She did not tell we who they were. I asked her to tell me, but she said she did not feel disposed to tell me; that she knew them, and only notified me to be careful of what I ate and drank.

Question. What was the plan?

Answer. The plan was to poison me.

Question. In what way?

Answer. By giving it to me in something to drink, or something in that way.

Question. When was this?

Answer. About three months ago, I should think.

Question. Did you understand why they were going to do that?

Answer. Yes, sir; they have been trying to do something of that sort to both me and my father, because we were republicans, and desperately hated in that section.

Question. Have you a brother-in-law there?

Answer. I have an adopted brother.

Question. Who is he?

Answer. Edward E. Howard.

Question. What position does he occupy?

Answer. He is the clerk of the superior court.

Question. Is he a native of Georgia?

Answer. No, sir, he is from Rhode Island.

Question. How does he get along with the people there.

Answer. Very well.

Question. Do they molest him or attempt to molest him?

Answer. No, sir.

Question. How does it happen that he gets along better there than either you or your father?

Answer. That is something more than I can tell you.

Question. Is he married.

Answer. Yes, sir.

Question. Were any efforts made to prevent you coming to the legislature?

Answer. There were efforts made to prevent my father coming, and I dare say there would have been efforts made to prevent me, if I had been there. But word was sent me by my mother to stay where where I was, and to tell my father not to come home.

Question. Where were you?

Answer. In Savannah.

Question. How long since you have been in Darien?

Answer. Between two and three weeks, I should think.

Question. Do you know of any other acts of lawlessness or attempted violence against other parties?

Answer. Yes, sir.

Question. State them to the committee?

Answer. There was a young man living there by the name of George McPhail. He is a ferryman there, and a young man asked him to carry him over, and he did, as he carried over others. When he got on the other side he told him that he wanted him to go with him to the railroad. McPhail said that he was going back home. The man

insisted, but McPhail said he would not go, and went to get into his boat to return The man then raised his double-barrel shot-gun and shot him.

Question. Did he kill him?

Answer. No, sir; he is living there in Darien.

Question. Why did he want him to go to the railroad?

Answer. There was no reason given. The father of the man tried to make an arrangement with McPhail, and promised to pay his doctor's bills, &c., and offered him some money to let the matter drop. He said the man could have no reason for wanting him to go except to have his company.

Question. Do you know whether any efforts have been made on the part of shippers to unjustly and illegally detain colored men who have been in their crews?

Answer. Nothing more than these cases that took place there with the captains of vessels coming in there.

Question. What were the names of those captains?

Answer. Captain Irwin, and, I believe, Captain Hatfield.

By Mr. BAYARD:

Question. Was that a British vessel?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you learn the facts in either of those cases?

Answer. I was a little familiar with Mr. Hatfield's case, but there was so much in it that I could not tell you straight about it.

Question. Do you know whether he had attempted to detain his crew after their term of service had expired?

Answer. Yes, sir; Captain Irwin's men said they did not ship to go any further than Savannah. He never carried them to Savannah; they did not sign any articles, but they agreed to go with him to Savannah. When he brought them to Doboy they refused to go any further, and that made the trouble.

Question. How was it with Captain Hatfield's crew?

Answer. They got into a disturbance because, as they claimed, he did not feed them properly; starved them. They wanted to see a counsel, or a justice of the peace, so as to get some satisfaction, but he would not allow them to do it. They undertook to go off themselves, I believe, or something of that kind.

Question. And when they did that he shot one of them?

Answer. Yes, sir.

By Mr. BAYARD:

Question. When did you first come to Darien?

Answer. Between two and three years ago.

Question. In what month and in what year?

Answer. In January, 1869.

Question. Did you come there direct from New York?

Answer. No, sir.

Question. Where had you been before that time?

Answer. At St. Catharine's Island.

Question. How long had you been there.

Answer. About a year.

Question. You arrived in Darien in January, 1869, and settled there?

Answer. Yes, sir; somewhere about that time. I did not stay right in the city of Darien when I first went there, but fifteen miles from Darien, at a place called Belleville.

Question. What were you doing there?

Answer. I was planting.

Question. You were a year on St. Catherine's Island?

Answer. Yes, sir.

Question. Where were you before that?

Answer. In New York.

Question. What were you doing in New York?

Answer. I used to wait and go to sea.

Question. Were you a waiter in a private family or in a hotel?

Answer. I waited at parties in the summer season, and in a hotel in the winter season; I sometimes went to sea.

Question. What did you do at sea?

Answer. I was waiter, store-keeper, and such.

Question. That was your business before you came to Georgia?

Answer. Yes, sir.

Question. When were you elected to the legislature?

Answer. In 1868.

Question. Where were you residing when you were elected to the legislature?

Answer. Well, I am wrong in one thing. I told you it was 1869 when I came to Darien; but I came to the legislature in 1868, and I was elected to the legislature from Darien.

Question. Were you elected to the legislature right away after you came to Darien?

Answer. No, sir.

Question. How long a time elapsed after you came to Darien before you were elected to the legislature?

Answer. I lived in Darien a year, because I was in the constitutional convention before I went to the legislature.

Question. You were in that convention?

Answer. Yes, sir.

Question. Was that in 1868?

Answer. I was elected to the legislature in 1868; I think the constitutional convention was in 1867, and I was in that.

Question. You were a delegate to that convention?

Answer. No, sir; I was a messenger there.

Question. Your father was a delegate?

Answer. Yes, sir.

Question. The next office you held was in the last legislature?

Answer. Yes, sir.

Question. And you are in the legislature now, having been elected last year?

Answer. Yes, sir.

Question. Did you and people of your color ever have any difficulty in the neighborhood of Darien with a colored man of the name of Bradley?

Answer. I never had any difficulty with him, but I understood this, that he came there and I believe some of the boys got after him; so he said. I did not see any of it, and I cannot tell about it.

Question. Did they chase him into a swamp?

Answer. I do not know where; he came back the next morning, so I heard, but I never saw him only once in town.

Question. What did he come there for? What was his business?

Answer. His business there was to split the district; he was going all through the district.

Question. Did he want to make political speeches there?

Answer. He came there for that purpose.

Question. And the boys got after him and chased him out?

Answer. Yes, sir; so I understood.

Question. You were not concerned in that?

Answer. No, sir.

Question. Was your father concerned in it?

Answer. No, sir.

Question. Was he there? Was he among the boys that chased Bradley?

Answer. No, sir.

Question. He was not connected with it at all?

Answer. No, sir.

Question. Is Bradley a colored man?

Answer. Yes, sir.

Question. Where is he from?

Answer. I do not know; he has been living in Savannah

Question. Was he in the legislature?

Answer. Yes, sir.

Question. He came down there to make political speeches?

Answer. Yes, sir; and it was said that he was going to divide the district, and if he was not elected no republican should be elected there.

Question. They got rid of him by chasing him off?

Answer. Well, I do not know whether they chased him off or not; he said so.

Question. Was not that true?

Answer. He got frightened at the little boys.

Question. The little boys chased him off?

Answer. I did not see any of it; I was not outside of the house from the time he came there until he went off.

Question. Do you not know that there was an assault made upon him, and an attempt to kill him, and he went into the swamp to escape?

Answer. No, sir; I do not know that. Mr. Mann's little boys were the most who had to do with it.

By the CHAIRMAN:

Question. Is Bradley regarded by those who know him as a man of sound mind?

Answer. I suppose so; so far as I understand I never heard anybody say he was crazy.

Question. How many votes did he get there?

Answer. I do not know how many he got; he did not get any in McIntosh County.

Question. What was the opinion of the colored men about his course there?

Answer. They were divided about him; that is, in Chatham County and in other places they did not appreciate him at all.

Question. Of course they think he is wrong?

Answer. Yes, sir.

Question. Do they think he is honestly wrong, or that he has been prevailed on by improper motives? What is the feeling about that?

Answer. The feeling is that he is bought up.

ATLANTA, GEORGIA, *November* 4, 1871.

MONDAY FLOYD (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.

Answer. I will be sixty-eight years old on the 25th day of next December. I was born in Greene County, and raised in Putnam County, Georgia, and I now reside in Morgan County, and have resided there for four or five years. I am a house-carpenter by trade.

Question. How are you now engaged?

Answer. I am in the legislature.

Question. In which house?

Answer. In the lower house.

Question. What district do you represent—composed of what counties?

Answer. Morgan, Greene, Warren, Richmond, and Taliaferro.

Question. Is this your first term in the legislature?

Answer. No, sir; the second.

Question. You were in the last legislature?

Answer. Yes, sir.

Question. Have there been any acts of violence in your county, or in the district where you live?

Answer. Well, sir, I do not know of any in my own immediate county, but I have heard of some in the adjoining counties of Clarke and Jasper. There have been none in my own county, or if there have been any, they have not come to my knowledge. I have heard of things that I have not seen.

Question. Have there been any threats of any kind made towards yourself?

Answer. There have been some, but by whom they were made I cannot tell. I can only show letters that were sent to me.

Question. Have you those letters here?

Answer. Yes, sir. I took them out of the post-office.

Question. They came through the post-office to you?

Answer. Yes, sir.

Question. How long ago did you receive them?

Answer. About two weeks ago I got the first one.

Question. Which did you get first?

Answer. I got the one dated "Hell Town, Georgia, at night."

[The following are the papers referred to by the witness:

"HELL TOWN, GA., AT NIGHT.

"MONDY FLOYD: You are requested to resign Your place in the Legislature and retire to private life. We think it the best thing You can do under the present state of affairs. And we hope will comply without furthur trouble and save us from being provoked to put a dire threat into execution. And we take this opportunity to inform Mr. DUKES that he had better do likewise and warn You to acquaint that Mr. DUKE with the fact that Your own skirts may be clear, for we swear by the powers of both *Light and Darkness* that no other Negro shall ever enter the Legislative Halls of the South. Sir, a word to the wise is sufficient. Heed, we beseech you, friendly advice, and take warning.

"Haste, O Mondy, to be wise,
' Stay not for the morrow's sun.

"K. K. K."

"This is a notice sent by some of the croud That was in Madison on Monday nigh that Dispacht the darkey that was in Gale that commited that auful crime on the young Lady—And we expech to be a long again some of these nights, and will call To see the following named ones:

"Monday Floyd,
"Alfred Ogleby,
"Harress Harison,
"Calvin Shealds,
"Lushus Shealds,
"John McQehm,
"Derry Jesup,
"Joe Hillsman,
"Elick Ponder,
"Kellis Campel,
'Mat draymau,

"and several more that we have forgot the names of but will get them when we arrive in the county.

"ONE THAT WAS PASSIN BY TAKING OBSERVATIONS.
"ONE OF THE KU-KLUX GANG, No. 1."]

By Mr. SCOFIELD:

Question. You have received only these two?
Answer. That is all.
Question. And you got these from the post-office?
Answer. Yes, sir; the postmaster handed them to me.

By the CHAIRMAN:

Question. Was there any post-mark on them?
Answer. No, sir, only the stamp.
Question. Have you either of the envelopes?
Answer. I had one yesterday, but I left it at home in my overcoat pocket. When I was in the former legislature there was one man who advised me to resign, and I told him I should not do it.
Question. Who advised you to do that?
Answer. Mr. Patterson, a citizen of Madison.
Question. Why did he advise you to do that?
Answer. I suppose that he thought I might get into trouble. I was not scared, but still I would not give them any particular chance to get at me.
Question. Who was the man one of these papers speaks about as having been dispatched in jail?
Answer. His name was Charles Jones, I think; he used to belong to old Doctor Jones. I did not hear the evidence there; I was at work on the building, and did not go down. Some of the boys went in and heard it, but I did not hear it.
Question. Do you know whether it has been pretty well ascertained since his death that he was in town on the night the offense was committed?
Answer. Yes, sir; there were enough there ready to prove it, but they would not let it be done, so they told me.
Question. If the offense was committed, it was committed by somebody else and not by him?
Answer. Exactly. When Mr. Hume's son was brought in and put on the stand, and Charles was brought before him, he denied that Charles was the man. Mr. Hume would not come to town himself, nor would he allow the girl to come to town. The judge committed Charles to jail, and he staid there until they surrounded the jail and killed him. The next day after he was killed the ordinary of the county wanted some colored people to go there and take him out and bury him; but one of them told him that as they had killed him they must bury him themselves. That is just about all I know about it.

By Mr. BAYARD:

Question. Were you a slave?
Answer. Yes, sir.
Question. Until emancipation?
Answer Yes, sir.
Question. When were you elected to the legislature?
Answer. In 1868 and in 1870.
Question. Have you learned to read and write?
Answer. I can write my name.
Question. Can you read writing?
Answer. Not much, a little.

Question. When a note is written to you, you cannot find out what is in it until you get somebody to read it?

Answer. I generally work on it until I find it out.

Question. You got these two mysterious notes out of the post-office?

Answer. Yes, sir.

Question. Were you able to read them?

Answer. I read enough to find out what they meant.

Question. That is all the molestation you have met with?

Answer. That is all. I was first elected in 1868, and I came here and served some time. I suppose you have heard that we were expelled from the legislature, and then they had to reseat us.

Question. And you are here now in the legislature?

Answer. Yes, sir.

Question. And the only disturbance you have met with has been the sending of these two notes to you through the post-office?

Answer. Yes, sir.

Question. Do you know from whom they came or who wrote them?

Answer, No, sir, I cannot tell.

Question. They have been received by you within two weeks?

Answer. Yes, sir.

Question. That is all the disturbance you have had?

Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 4, 1871.

N. L. ANGIER sworn and examined.

By the CHAIRMAN:

Question. You are the treasurer of the State of Georgia, and the same who gave testimony before the committee in Washington?

Answer. Yes, sir.

Question. I received a note from you yesterday, saying that you desired to correct some information you had understood this committee had received. I have sent for you in order that you might have that opportunity?

Answer. I would like to know what the witness Harrison testified to.

By Mr. BAYARD:

Question. Harrison said that you had let out the school fund of this State at 15 per cent. interest, and that the legislature took that fund out of your hands.

Answer. I will simply state, first, that I have never received a single cent of interest on the State deposits. Every cent of interest ever paid on deposits of any character has been paid into the treasury, and I have here the receipts for it. I am the only treasurer of Georgia that ever paid into the treasury of the State any interest on the public deposits. I have paid in $7,415 26. I care nothing about this matter where Harrison is known and where I am known. But when he comes in here and testifies to a positive falsehood, I want it corrected and stigmatized as it ought to be. He has committed perjury, and he should be arrested and punished for it. I hold my character more sacred than anything else. If it is assailed at home only I do not mind it, but I do not want it published all over the United States by a black, lying, scoundrel, if he testifies to what you say he has.

Question. State, if you please, what the school-fund was; how much was in the treasury, and what was done with it?

Answer. I have a letter here which I wrote explaining the whole transaction, and giving the reason why I refused to give up that fund at first. I will read the letter to the committee:

"STATE TREASURER'S OFFICE,
"*Atlanta, Georgia, July* 20, 1870.

"*To the Honorable House of Representatives of the State of Georgia, Atlanta:*

"On yesterday, Hon. C. C. Duncan, one of the house finance committee, having been duly appointed a committee of one from that body, and acting under their instructions, called on me and reported the following as the action of said committee:

"'That if the money was not paid by the treasurer according to the late resolution adopted, ("two hundred dollars to each officer and member out of any funds in the treasury") immediate steps would be taken to remove the funds of the State from the treasury, and the treasurer from his office.'

"The house is aware, as is also the finance committee, that there are no funds in the treasury but the educational. After a careful examination of the constitution and the code, the treasurer is of the opinion that the educational fund is 'set apart and devoted to the purposes of common schools,' and being appropriated to said purpose by the

highest authority, (the constitution of Georgia,) cannot be diverted from said purpose simply by resolution. Paragraph 6, section 3, article 1 of the constitution, declares that 'all bills for raising revenue, or appropriating money,' &c. Paragraph 5, section 4, article 3, declares that 'every bill, before it shall pass, shall be read three times, and on three separate days, in each house.' Section 29, article 1 of the constitution, declares that 'no poll-tax shall be levied except for educational purposes.' Section 3, article 6, declares that 'the poll-tax allowed by the constitution, the special tax on shows and exhibitions, and on the sale of spirituous liquors, are hereby set apart and devoted to the support of common schools.' Paragraph 5, section 86, of the code says, (defining the duties of the treasurer,) 'to pay all funds pledged to the payment of the public debt or interest thereon, or to any object of education, and to these objects only, and in nowise to any other purpose; all payments from the treasury shall be paid from the fund appropriated for such purpose, and not from any other.'

"The constitution has set apart and devoted the educational fund now in the treasury to the support of common schools; the code makes it the duty of the treasurer to pay the funds in the treasury set apart and devoted by the constitution as an educational fund for the support of common schools, to be paid out by him for that object only, and in nowise to any other purpose. Thus stands the law, which is not altered or repealed by a mere resolution of the general assembly.

"General Terry, under an appeal from Governor Bullock to require the treasurer to pay executive warrants for publishing proclamations, &c., out of the common-school fund, after examining the constitution and the code, instructed the treasurer to withhold said fund to the amount as appeared on the records of this office from the tax returns, and to replace what deficit there might be.

"This resolution provides only for the members and officers of the general assembly, while the past-due quarter's salary of the judges, solicitor general, and other State officers are unprovided for, as also are the past-due bonds and coupons of this State.

"The bill introduced yesterday by Hon. A. J. Williams, of Morgan County, when passed, will make provision alike for all.

"While I am extremely desirous to accommodate the members, this office has no such charms for me that I could be induced to violate what I consider a requirement of the constitution, wherein it is expressly 'set apart and devoted to the support of common schools,' and at the same time run counter to instructions received from General Terry.

"Most respectfully,

"N. L. ANGIER, *Treasurer.*"

This is the communication I sent to the house of representatives on the subject. At first they voted to receive it, but after they found out what it was they voted not to receive it, and referred it to the finance committee. They then took steps to get the fund out of the treasury, passing a bill for that purpose; they read it three times, according to law, and General Terry gave it as his opinion that I ought to pay out that fund. I think it was contrary to the constitution, as it now is. And this same man who makes such a fuss here, and said I received interest on it, is the man who voted for it all the time.

Question. Do I understand you to say that the charge that you have ever used the school fund for your own purposes, in any way, is entirely unfounded and slanderous?

Answer. It is entirely false and slanderous in every particular.

Question. Was it a falsehood or the truth that the legislature was compelled to take the fund out of your control on that account?

Answer. They took it because they had no money with which to pay themselves. There was no point made at all that I was using the interest of the money.

Question. What did they want with the money?

Answer. To pay the members of the general assembly their per diem and mileage.

Question. You said just now that General Terry expressed the opinion that you should pay the money out under the bill passed by the legislature. Did General Terry exercise a supervising power over the affairs of Georgia after Governor Bullock was in power?

Answer. Yes, sir.

Question. And matters in question were referred to him for his fiat?

Answer. At that time they were.

Question. How long did that state of things continue?

Answer. The legislature met in January, I think. Congress passed a bill on the 22d of December, 1869, to remodel Georgia. The legislature met on the 10th of January, and from that time on we were under the military pretty nearly all the time; that is, we had the legislature and the military, too, at the same time. Well, they adjourned some time, I think, in September; I do not recollect exactly when.

Question. Was the practical condition of affairs this, that when the legislature passed an act of legislation, and there was a hesitancy on the part of one of the officers of the State to obey it, General Terry settled the constitutional point by his own order?

Answer. Yes, sir; and all that Governor Bullock did himself pretty much, was to get the approval of General Terry. That is what the records show.

Question. In point of fact, did that state of things practically exist until the 1st of January of the present year?

Answer. No, sir.

Question. When did it cease?

Answer. I do not recollect when General Terry left here; he left some time in the fall. He first gave his positive orders not to use the school fund for that purpose; that it was already appropriated, and I should not use it for that purpose. When they passed a straight out and out bill, he would not give any written opinion about it, but he told me I had better pay it. I did not want to run in opposition to everything, although my convictions were that the law restricted me. They have no school-fund to-day.

Question. You believed it was an unwarrantable misappropriation of that fund?

Answer. I do, entirely so.

Question. You were unable to resist it because they put it in the form of law, and the general commanding the department would not protect you in disobeying it?

Answer. Not after they passed the bill. There is a division made of the poll-tax and other taxes. I said there was something due to the school fund already, which had been used for general purposes. He told me to replace all that belonged to the school-fund out of the first money that came into my hands.

Question. To segregate that fund, and keep it for a special purpose?

Answer. Yes, sir.

Question. As a matter of fact, was there any money in the treasury belonging to the school fund when that legislature organized?

Answer. Yes, although it had not been separated and kept distinct. I was keeping on deposit what funds we did not need for immediate use. We kept things used up pretty close.

Question. There was a fund?

Answer. Yes, sir; of between $200,000 and $300,000. The amount of bonds they placed at the time they took the fund from me was $268,000. Since then, I suppose, there has come in about the same amount, but they have used it all as fast as it came in. We have had some $6,000 or $7,000 expenses for our school commissioners and officers of common schools, but we have no common schools and no school-fund.

Question. You have no school system established throughout the State?

Answer. No, sir.

Question. How long have you been in Georgia?

Answer. Thirty-two years last October.

Question. Have you had any opportunity of knowing anything of the character of this man Harrison?

Answer. I knew him well; he was in the convention, and he has been in the general assembly until this year.

Question. Have you any knowledge of his general character?

Answer. I do not know that I could say anything about that, any more than what the character of the colored race generally is. The truth is, they have very little sense, as a general thing, of the obligation of an oath, and they could not be expected to have. They are ignorant; they have seldom been before the courts, and they know nothing of the obligation of an oath.

Question. Having lived in Georgia thirty-two years, and having had some experience with colored people, what amount of reliability should be attached to their testimony as a general thing?

Answer. None at all: there are some I would believe, but they are very few. I do not think there is one in a thousand who could not be induced to swear to what was not correct. I do not say they come up and tell a lie on a simple matter of fact, but they could be tampered with and used for that purpose.

Question. You think they are incorrect and unreliable as witnesses?

Answer. I think so. I do not know that I should say one in a thousand, but I will say one in a hundred. The negro is kind-hearted, very obliging, and disposed to accommodate; and then he has not that high sense of moral duty, and it is not to be supposed that he would have, considering the state of slavery he has been in.

Question. Do you think they have any sense of the necessity of accuracy of statement?

Answer. Some of them have, but the great majority of them have not.

By the CHAIRMAN:

Question. Where did you live before you came to Georgia?

Answer. I was born and raised in New Hampshire; I came south when I was twenty-four years old.

Question. You have spoken of the habits of your predecessors in the treasurer's office in regard to interest on funds on deposit.

Answer. Yes, sir.

Question. You say they never paid into the treasury any interest on deposits?

Answer. They never paid in any.

Question. Did they use it as personal perquisites?

Answer. I do not say about that; but I cannot find any receipt for it at all in any of the comptroller's reports.

Question. Did you not think that what interest accrued would be part of the perquisites of the office?

Answer. This is the way I understood the law; the law says that on the funds, except those required for immediate use, the interest shall be paid into the treasury. When the State was organized in 1868, we had no funds except as we borrowed them; in fact I used some twelve or fifteen thousand dollars of my own funds. We had no vault to keep our own funds in, and kept them in the banks. On those funds they agreed to allow 3 per cent. interest on the daily balances. It was partly school fund and partly some other funds; it was not separated at all. I should have kept it in a vault of the State if I had had a place for the purpose. During the year 1868 there accrued $336 10 interest. A portion of that interest I supposed to be my own under the law. I was not governed by any precedent of any former treasurer at all, because I took the law for my guide. The majority of the financial men in the general assembly thought so, and that got up the contest between Governor Bullock and myself. I was called upon by the senate to report the amount of interest I had received. I told them I had received $336 10, a part of which was on the school fund, and a part on temporary deposits required for immediate use, and I supposed I would be entitled to that. When I thought there would be any controversy on that question, I paid it all into the treasury at once, and I have paid it in ever since.

Question. That explains the first receipt I have here, bearing date, the 1st of August, 1869, for $336 10.

Answer. Yes, sir; that is it.

Question. What do you say in regard to the school fund, which you say had not been separated from the other moneys in the treasury?

Answer. We knew that we had a school fund of between $200,000 and $300,000, but we did not know the exact amount.

Question. Did you keep a separate account on the books of the treasurer?

Answer. No, sir; it was the business of the comptroller general to keep it separate, but he did not.

Question. Did the books of the treasury show the school fund?

Answer. No, sir; not separate from the rest, but the law is that it shall be kept separate.

Question. When did you receive this $336 10?

Answer. I do not recollect now.

Question. I find here, also, that on December 28, 1869, there is a receipt for $1,546 05, as interest on State deposits.

Answer. That is on the school fund mostly; it went to the school fund, the most of it.

Question. Where was that school fund deposited?

Answer I think it was in the Atlanta National Bank; it was either in that bank, or in the Georgia National Bank, I am not positive which now.

Question. What rate of interest did they pay?

Answer. Three per cent., for the reason that they could not pay more, as it might be called out at any time.

Question. What rate did the Georgia National Bank allow?

Answer. The same as the Atlanta National Bank; that is as much as I ever got.

Question. I find here, also, a receipt for $3,574 86 for interest on State deposits. Where was that deposited?

Answer. In the Atlanta National Bank.

Question. How often was the interest paid?

Answer. At the time those receipts are given; as soon as I made a settlement with the bank I paid the money into the treasury.

Question. How often did you settle with the bank?

Answer. I do not recollect, except from the dates of the receipts?

Question. I find that this receipt is dated May 19, 1870. On May 21 is a receipt for $92, on State deposits; was that another settlement?

Answer. Yes, sir, another balance of the interest; they allowed it just as those receipts are dated.

Question. Here is a receipt dated July 27, 1870, for $1,241 25; where was that deposited?

Answer. In the Atlanta National Bank.

Question. Here is one dated August 16, 1870, for $625?

Answer. That was at the Atlanta National Bank also. I will state further, that the Georgia National Bank still owes over $1,000, on deposits on account of the school-fund, that they have never been compelled to pay.

Question. I do not see any regular period for receiving this interest from the banks. What was your mode of doing business with the banks?

Answer. I had my accounts balanced up often, but they were to make a weekly allowance; they kept a running account of the interest as it accrued, and I collected it whenever I thought there was enough accumulated to give a receipt for. About once a year, I suppose, might be the rule. We had so little on deposit, and the amounts varied so much, that I settled oftener than that.

Question. All of these receipts, with the exception of the first one, that was given for interest on deposit in the Georgia National Bank, are compressed within the compass of considerable less than a year—less than nine months, I should think.

Answer. I had no regular habit about it. Whenever I thought they wished to give credit to the school-fund for the interest on it, it was collected from them and put in the treasury, and I gave a receipt at once to the comptroller for it.

Question. Have you a cash-book or bank-book with you, and will you allow us to examine it?

Answer. I presume I have; I have not deposited for some time, but I have it somewhere in my vault, and can find it.

Question. Do you recollect the amount you have had on deposit in those two banks?

Answer. Well, it has varied; sometimes it would not be anything, and then again it would be $200,000 or $300,000.

Question. Did you have any money deposited in the city of New York?

Answer. No, sir. Governor Bullock took control of everything in New York, and had a disbursing office there, and one in his own office.

Question. There never was any money deposited in New York to the credit of the treasurer of Georgia?

Answer. There were some bonds sold there, and we sent money from here there to meet the coupon interest. The bank there, if there was any interest accrued, credited it in their account.

Question. What bank was that?

Answer. Fourth National Bank; there never has been any settlement with it.

Question. You have not settled with it?

Answer. Not a full settlement. This last year most of the money raised there has been with Henry Clews & Co.

Question. Do you know what interest has accrued there?

Answer. No, sir; we have had a vast amount more to pay than we have had credited to us.

Question. Have you ever purchased any of the United States Government bonds?

Answer. Not one.

Question. You have never owned one?

Answer. I have never had money enough to spare to buy one.

Question. None has been purchased on the credit of the treasury of the State?

Answer. Not one; no bond of any kind, or anything else of any kind, not to the amount of a chestnut.

Question. Have you kept a cash-account?

Answer. Yes, sir; we kept our daily cash-account.

Question. That I suppose will show the money transactions of the treasury?

Answer. It shows all the money we receive, and all we pay out.

Question. And the disposition you make of it?

Answer. Yes, sir; we receive money from taxes and charge ourselves with the receipts. Whatever we pay out is advanced; we do not keep each separate item. The comptroller general has a perfect check on the treasurer; every cent the treasurer receives he must give a certificate for, and that certificate is charged up against the treasury, and the books must balance.

Question. The comptroller's books would not show what disposition you made of the money between the time it came into your hands and the time you paid it out?

Answer. No, sir.

Question. What I asked you was if you had a cash-book that would show where every dollar of the money of the treasury was at any time.

Answer. No, sir; the warrants show that, and what is in the office is shown. For instance, we advance money to the civil establishment under a special appropriation, and we take a receipt for it.

Question. What shows the amount of cash on hand?

Answer. The bank-book.

Question. How many bank-books do you keep?

Answer. One only with the bank that I usually deposit with at the time.

Question. Did you keep a bank-book with the Fourth National Bank?

Answer. No, sir; the governor just draws funds as he pleases, on his own draft, and pays it out, too.

Question. You keep a book with the Georgia National Bank, and with the Atlanta National Bank?

Answer. Yes, sir.

Question. Could you allow us to see those books?

Answer. I can.

Question. What is the greatest amount of money you have had on hand at any one time?

Answer. I cannot say without looking at the bank-book.

Question. Did you make any settlement with anybody during the time, or have you made any settlement with anybody?

Answer. Certainly I have.

Question. With whom?

Answer. With the bank. Do you mean the settlement of my accounts?

Question. Yes, as treasurer.

Answer. The statement of the treasurer has been made; I make it every year. My reports to the governor show the amount of money on hand, and how every cent of it has been used.

Question. You spoke of a committee of one examining the affairs of the treasurer; who is he?

Answer. He was Mr. Duncan, the one sent by the finance committee to demand the money from me.

Question. Did Governor Bullock appoint any one to examine into the condition of the treasury, and to look after the money there?

Answer. Yes, sir.

Question. Who did he appoint?

Answer. Mr. Burnett.

By Mr. BAYARD:

Question. The one who ran against General Young for Congress?

Answer. The same one.

By the CHAIRMAN:

Question. Did he make an examination and a report?

Answer. Yes, sir.

Question. Did he see your money in hand?

Answer. He wanted to handle the money, and I would not trust him to handle any money or any papers of mine. They appointed a committee to examine, and that committee saw everything I had.

Question. You have spoken of your difficulty with the governor; you and he were at first friendly, were you not?

Answer. Very intimate.

Question. He interposed to secure your election to your present place?

Answer. I do not know whether he did or not; it was stated to me that he did.

Question. Where was the post-office of this city kept at that time?

Answer. Where it is now, when the committee investigated the affairs of the treasury.

Question. In a building belonging to you?

Answer. It was kept in a building belonging to me a year or so before that.

Question. Was there any controversy about the change?

Answer. Yes, sir.

Question. Was there any ill feeling over it?

Answer. I will tell you all about that. There was a petition of more than a thousand citizens, including those on the other side of the town, all along by the capitol, and up Peach Tree street. I do not think there were but three in Atlanta who did not sign a petition for the post-office to remain where it was. In New York I found fifteen, most of them strangers, with a letter from General Terry to remove the post-office to where it is now; it was removed by military order.

Question. Had you and the governor been friendly up to that time?

Answer. No, sir; he commenced taking funds out of the Fourth National Bank, and not reporting to the treasurer or anybody else; I found it out and did not wish to be implicated with him.

Question. When did you first find that out?

Answer. I think it was in 1869—the fore part of 1869; it might have been the latter part of 1868.

Question. For what object were funds deposited in the Fourth National Bank?

Answer. We had really no money deposited there. Governor Bullock took from the Bank of the Republic $604,000, of 7 per cent. mortgage bonds, which were issued to be sold as the law directed, to take up the old bonded indebtedness of the State that should fall due in 1868, 1869, 1870. Governor Bullock sold $265,000 of those bonds, and applied them. I do not know whether it was this money he got to help Mr. Kimball finish his opera-house building.

Question. Was that money ever in the treasury?

Answer. No, sir; it never was.

Question. Then I understand you to say that the treasury never had any money in the Fourth National Bank?

Answer. We have sent money there to pay coupons; we sent money there to pay for what we were indebted.

Question. Did Governor Bullock ever get any of that money out of that bank?

Answer. I do not know. He gave his checks as governor for over $500,000; one check for $300,000, and another for $250,000, I think.

Question. Did the money stand there in your name as treasurer?

Answer. No, sir; I have understood it was on account of the State of Georgia. The way it has been reported to me, the State of Georgia has been a borrower instead of a depositor there ever since Bullock has been governor. They paid off our bonds there, and they are borrowing money at certain times of the year to pay off the general assembly. When the taxes come in and we have surplus money, we send it there to pay off the coupons.

Question. Have you had any money in the treasury since August of last year?

Answer. Yes, sir; very little. The most has been from taxes. A great many of the cities give checks on banks and send them here. We took them to the bank here, and they charged us something for discounting them. I arranged with them to take the checks and collect them, and then give us credit for them. They did so, and although they charged no discount, they allowed us no interest at all. Our deposits do not amount to much—from $1,000 to $20,000; they are mostly in the form of those checks. Often the small counties send their checks in that way to save express charges. The banks receive those checks at par and credit us with them, but do not allow us any interest at all.

Question. You, then, have received no interest since the 16th of August, 1870?

Answer. No, sir.

Question. When was this law passed by the legislature of which you speak?

Answer. Last July a year ago.

Question. Do you recollect the day?

Answer. I do not recollect now; I judge it was passed in July, for the letter I wrote was dated the 20th of July, and I know they passed the bill a few days after I wrote that letter.

Question. Was there any charge or allegation by anybody at that time, that you had been receiving for any of this money a larger rate of interest than you reported—3 per cent.?

Answer. No, sir.

Question. You heard nothing of the sort?

Answer. No, sir; and I never did receive it either. All was credited to the treasury that I ever got, and that was 3 per cent.

By Mr. SCOFIELD:

Question. Did the legislature, under the act referred to, borrow this money and give State bonds for it?

Answer. They claimed to do so.

Question. Did they actually do it?

Answer. Yes; they put some bonds in there that Governor Bullock had issued in 1868, and they had my name lithographed upon them. He had made such statements to the board of trade in New York that they did not consider it a good delivery in relation to those bonds. Those were the bonds that Governor Bullock brought here and put in the treasury in place of the school-fund.

Question. The law provides for borrowing a school-fund?

Answer. Yes, sir.

Question. And instead of getting 3 per cent. from the bank of the State of Georgia, that fund now gets 6 per cent.?

Answer. Whatever the coupons are; I think they are 7 per cent. But we have a bond there which the board of trade of New York consider not a good delivery, as Mr. Calhoun, of the Fourth National Bank, wrote me. The coupons are there, but there never has been any interest paid. Whether the bonds are good or not, is the question; I have not paid any interest on them.

Question. It is entirely with the State?

Answer. Yes, sir. But here is the point: the law is that we shall take these bonds and sell them and realize the money for them when the school law is passed. I think they cannot be sold.

Question. The point I want to get at is this, that instead of taking this money to pay themselves with, under the law the treasurer borrowed this money from the school-fund, and gave bonds of the State of Georgia bearing interest at the rate of 6 or 7 per cent.?

Answer. Yes, sir.

Question. That was the form of it?

Answer. Yes, sir; but they have placed bonds there which I do not think can be sold at all.

Question. Do you know whether, when they were trying to pass that law, and it was opposed by you and by others, I suppose by members of the legislature also, those men who were anxious to pass the bill said that the school-fund might as well get 6 or

7 per cent. as to get only 3 per cent., and let you have a chance to make 5 or 10 or 15 per cent. yourself?

Answer. There was no such statement made about my making the interest on it. There was a statement made that they had better take it and allow 7 per cent. on it, than to allow it to draw only 3 per cent.

Question. There was no allegation that you opposed it because you had a personal interest in it?

Answer. I do not recollect of any; there might have been some such thing said when I was not in the house.

Question. If I understand it, that was all the allegation Harrison made here, that somebody said or suspected or thought that you might be making a large amount of interest on it.

Answer. No one would have dared to make such a statement in the house to me.

Mr. BAYARD:

Question. As a matter of fact, every penny that you received in the way of interest or other return upon moneys of the State of Georgia has been paid to the people of Georgia through the treasury?

Answer. They have, every cent; I have never used a farthing of it in any way.

Question. The question has been asked you whether there was any feeling on your part growing out of the change of the post-office from the building which you owned, or were interested in, to one further up the street. You have stated that a vast majority of the citizens of Atlanta——

Answer. I think over a thousand merchants signed the petition.

Question. They desired the post-office to remain where it was?

Answer. Yes; and more than that, they had a meeting of the principal merchants and citizens of this place, and passed resolutions for the post-office to remain where it was, and they were sent on to Washington. To rebut them, they had about fifteen names of military men here, and General Terry's letter. The merchants now have to walk a long distance three times a day, and return, which they complain of.

Question. Is the present post-office inconveniently situated for the business of the town?

Answer. Yes, sir.

Question. According to your knowledge and belief, who were chiefly instrumental in having that change made?

Answer. It was a combination between Mr. Kimball, Governor Bullock, and General Terry.

Question. Who was interested in the building?

Answer. Mr. Kimball himself; I have always thought that Governor Bullock was interested with him, but the papers show it to be Kimball's building.

Question. And this strong array of testimony in favor of the convenience of the former site of the post-office was laid before the Post-Office Department at Washington?

Answer. Yes, sir.

Question. And notwithstanding that, it was removed to a building in a distant part of the town?

Answer. Yes, sir.

Question. When was that done?

Answer. Some time in 1869.

By the CHAIRMAN:

Question. At what time?

Answer. I cannot recollect the date; it must have been the fore part of 1869; it was after General Terry came here.

Question. That, I understand, caused between you and the governor a great deal of feeling?

Answer. Between the governor and me none at all whatever, because I never knew he had any interest in it; and Mr. Kimball and I never had any feeling about it.

Question. You had no feeling about it?

Answer. I only exerted myself to keep it where it was; I had no bitterness about it.

Question. Your relations with the comptroller general have been kind and friendly?

Answer. No, sir, they have not. We have had no words, and we have had no quarrel to any extent; but the comptroller approves of every warrant the governor has issued, and I have not felt disposed to be very friendly with him.

Question. You have had a controversy as to what funds certain warrants should be drawn upon?

Answer. Yes, sir.

Question. There is a printing fund or contingent fund?

Answer. Yes, sir, without any warrant at all.

By Mr. BAYARD:

Question. You were examined in Washington?

Answer. Yes, sir.

Question. Did you make a statement of what you consider the irregularities of Governor Bullock in that respect?

Answer. I am not certain whether I did or not.

By the CHAIRMAN:

Question. Did you ever make a statement as treasurer as to whether the warrants should be drawn upon the printing fund or contingent fund?

Answer. I do not recollect whether I did or not.

Question. That was for paying the expense of printing and publishing the proclamations of the governor?

Answer. There was a controversy.

Question. The legislature passed a law directing the payment of the outstanding warrants, which you declined to pay?

Answer. Yes, sir; the legislature which we had at that time. I recollect now that I gave testimony in Washington as regards a draft for $11,500 that the governor drew for Mr. Conley, for a little pamphlet that parties told me would not cost over $2,000. As to the controversy between Governor Bullock and myself about the warrants I refused to pay, I do not recollect whether I made any statement or not. The amount was between $30,000 and $40,000. The general assembly came in and passed a resolution that I should pay the warrants.

By Mr. BAYARD:

Question. For what were those warrants drawn?

Answer. To pay lawyers and to pay for printing in the newspapers; I thought it was to subsidize the press. Those expenses heretofore have been charged to the contingent fund. If there were no funds, the lawyers would have to wait until the general assembly met and made an appropriation for it. The governor just drew his warrant under what was called the India-rubber blanket section. I took the position that the precedent showed that those charges had always been charged to the contingent fund. So far as the printing fund is concerned, it said that all the printing that was done except by the public printer should be charged to the contingent fund. The governor drew a warrant on the printing fund, when the law said the charge should be make against the contingent fund. That was the main difference between us; I was adhering to what I considered the law and the precedent.

By the CHAIRMAN:

Question. You had paid out about forty warrants that were drawn on the fund before you discovered it?

Answer. I did so at first, before I examined the law.

Question. And then you became satisfied that they ought to be drawn on the contingent fund?

Answer. Yes, sir.

Question. And the governor continued, under such advice as he had, to draw them on the printing fund, and the legislature passed a law authorizing them to be paid out of the treasury, and they were paid?

Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 6, 1871.

ROBERT S. FOSTER sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I was sixty-four years old last February; I was born in Abbeville district, South Carolina, and I now live in Chattooga County, Georgia; my occupation is that of a farmer.

Question. How long have you lived in Chattooga?

Answer. I moved to Chattooga in the fall of 1857.

Question. I wish you would state what has been the condition of your county during the last two or three years, and particularly during the last year, in respect to good order, observance of the law, and the security of the rights of citizens of all colors and conditions.

Answer. Well, sir, it has been what we called rather bad.

Question. In what respects?

Answer. There has been a Klan of disguised men that have been prowling around, occasionally frightening the weak and feeble and ignorant, and occasionally attacking the more intelligent and prominent citizens.

Question. Have any acts of violence been committed by them; and if so, of what nature?

Answer. Yes, sir, from report there have been a great many. I do not know of any but one night's work that was in my immediate settlement—right next to me and on my plantation. Reports occasionally have come to me of a great many all around.

Question. What was that one night's work?

Answer. Well, sir, it was about the 21st of January last—maybe a few days before. It appears that a band of five men associated themselves together and attacked a negro on the plantation of Squire Elihu Hendley—thrashed him very severely, beat him almost to death. They said he was not able to turn in bed for two weeks without help. They then went on to the place of Mr. Geddes and attacked a family of negroes; two men were attacked, and one broke and run, and they shot him when he run.

Question. Did they kill the one they shot?

Answer. No, sir; he was shot in his thigh, but he made his escape. They went to the place of an old friend of mine of the name of Taliaferro, an old Virginian, a straightforward democrat, an inoffensive man. They woke him up, and his son in the adjoining room, and frightened his wife very much. They put the son into the room where his father was, and told him not to keep any longer than the morrow night the negro they had shot, or they would punish him. They then came on about a half a mile to my place. I had a servant living with me that my first father-in-law raised; he was a very inoffensive fellow, and had been living with me almost ever since the war. They woke him up, and told him to come out. He told them he could not; that he was sick; that he had had a chill that day. They told him to come out; that they would warm him up and cure him. As he came to the door, they asked him what was the matter with him; what made him so tottering. He said he had been sick, and felt bad. They had a saber; he knew they were going to punish him. He watched his opportunity, and broke from them, and ran about a hundred yards, into a little thicket, where he fell. They ran upon him, and struck him three licks with the saber. There were three gashes in his head; each lick was sufficient to kill a man; they went plumb through his skull. They cursed him, and told him to get up. He said he could not; and they said if he did not they would finish him right there. He caught hold of a bush and pulled himself up, but fell right over, and they left him. His wife had dashed off into the plantation with the baby. They went into his house and tore up his floor. We supposed they were hunting for her. The old man got so cold that when he found that he had recovered a little, he got up to go back to his house. He got into his garden, and hardly knew how he got there. There he met them again, and one of them shot him in the right side. There were sixteen shot in his arm, from the shoulder to the hand, and about the same number in the other arm. He got into the house, and his wife ventured back about daylight and found he was not dead. She ran down to the river, between their house and my house, and hollered for me. We went over there and found him in a gore of blood. We sent for a doctor and had him treated, and thought he might perhaps get well. The next Monday morning, a week afterward, he was found in a spasm; we had to move him into my yard; we could get nobody to take care of him; all were frightened, even his wife. I saw he had a spasm Monday morning; it lasted him a week; he never got out of it, and never spoke a word or ate anything, except as we forced it into his mouth with a spoon. He died, and I had him buried. Some men, whom I rather suspicion, threatened to inflict some punishment on me for burying him in the white peoples' grave-yard. When I went to that country I found negroes buried in the grave-yard; I buried my first wife in that grave-yard, and I thought it was no harm to bury him there with the other negroes. They threatened to inflict punishment on me and my son for burying him in the white folks' grave-yard. Just before our superior court they had an idea that I was going to prosecute them; but at that time I could give no attention to it; for I was compelled to be in Early County, Georgia, at the same time our superior court was in session. This same party went several miles off to some other people there, to get them to come and frighten me. I was sent word by one man, whom they went to, that I had better be cautious.

Question. You say you have heard of a great many similar transactions?

Answer. O, yes, sir; there have been a great many of them committed in the different parts of the county around; but only this one immediately within my personal observation and knowledge.

Question. Has any one been brought to trial and punished for any of these offenses?

Answer. Yes, sir; there were three men brought to trial and punished for some offense at the last March court, and convicted and sent to the penitentiary.

Question. Were those three men named Epps, Kelley, and some one else?

Answer. Yes, sir.

Question. Are those the only persons who have been convicted?

Answer. Yes, sir; the only one convicted for any offense. Another man was up, and tried week before last, I think, and acquitted.

Question. Has any one been punished for the acts committed that night you spoke of?

Answer. No, sir.

Question. Why not?

Answer. Well, sir, as I told you, in March I was not at home. I left the matter with my son and Squire Elihu Hendley. But Monday morning, at court, they saw such a disposition in the crowd of men gathered there that they were really intimidated. At the September court the thing had rather quieted down, but a bill was got against five men. I saw the order placed in the hands of the sheriff, but they have not been arrested.

Question. Why not?

Answer. I do not know; he is the county sheriff.

Question. State whether you think it is because of sympathy on the part of the sheriff with those offenders, or that he feels some apprehension?

Answer. I think that he has sympathy for those fellows; that is my notion. I think that he has some feeling for them. I do not think he apprehends any danger from them at all.

Question. So far as you have been able to ascertain, or to form an opinion, how do you account for such acts of violence? What is the object or purpose of them?

Answer. Well, I can hardly tell. When this thing first began, when these disguised men first began to go about, it was thought to be rather a political move. I am of the opinion, and I think I have had information from such a source that I may say pretty clearly, that that part of it has been pretty well disbanded, maybe entirely. The thing then got into the hands of a set of reckless men, who have carried it to extremes. I do not think that the first party that went about in disguise committed outrages. Their notion was rather to intimidate some persons from voting. It was said that that was the object they had in view, to keep men from going to the polls and voting. I have no doubt there were some very clever men concerned in it in those days; but a set of reckless men have got hold of it now, and they have carried it to a great extent.

Question. What had they against this colored man of yours?

Answer. I cannot imagine. He was as good a citizen, for a negro, as there was in the State. When he was a slave he was a good servant; and after he came there to live with me he was as inoffensive a man as there was in the settlement. He never registered, and never voted, and he never went to the elections. He said to the other negroes, "I do not care about elections; white men have managed this thing ever since I have been here, and they may yet. I can make a horse-collar in a day, which will be worth fifty cents, and that is more to me than the elections." He had his horse, chickens, garden, and lived independently. I can state a circumstance that he told me. The week before he was killed a couple of men came to him one day and professed to be Yankee soldiers. They said they had just come to Rome with a large company, and were out making up a company to waylay and bushwhack the Ku-Klux, and that they had been told Foster's lane was a good place. He said they had a list of names as long as his arm—all of the negroes in the country—and said they wanted his. He said he told them he could not do it, that he was getting old, and could not do such things. They said they were going to have a meeting over at Mark's place. He said he was too old, and could not leave his wife and child. They told him to bring her along, and he said he could not do it. After they had started off, they came back and asked for a feed of corn for their horses, as they were going into the mountains. He said he gave one of them seven ears of corn and the other six. I said to him "Squire, if you said a word against the Ku-Klux they will kill you." I cannot account for it in any other way.

Question. Did he give you this information before he was hurt?

Answer. Yes, sir.

Question. And this caution that you gave him was previous to his being visited?

Answer. Yes, sir; several days. When he told me, it occurred to me in a minute that they were seeking to get some advantage of him.

Question. You knew there were no Federal soldiers there?

Answer. Yes, sir; I knew they were not there, and that they did not work in that way. One of them told the negro that he had thirteen bullet-holes in his hide to free him. I said it was all a trick.

Question. You were satisfied it was a trick to get hold of him?

Answer. Yes, sir; and I knew so when he was visited.

Question. Did he know either of those two men?

Answer. He said he did not know them.

Question. In your opinion what is the reason that, with the exception you have spoken of, none of these men have been brought to punishment?

Answer. Well, sir, the principal reason is that the people are afraid. I am a man who always would speak what I thought about anything I was concerned in. But many a good, clever man would say to me, when I was speaking about it, "Hush, hush; you will get into difficulty." Several times during the last month gentlemen have told me I was in danger. Since the bill was found here by the grand jury, one of them sent me word if he did run away, it would be for something; as much as to intimate that he would injure me.

Question. What was the name of that man?

Answer. John Wesley McCallum.

Question. Did substantial, good citizens talk in this whispering way when speaking of the Ku-Klux?

Answer. Yes, sir. They will tell me quietly that they ought to be put down, but they say they have a majority.

Question. They are afraid to have it known publicly what their feelings are?

Answer. That is so; hundreds of the best men in the country are in just that fix.

Question. What has been the effect, so far as these acts of violence are concerned, of the passage of what is called the Ku-Klux bill by Congress?

Answer. Well, it has had an effect upon them; they have been more quiet since; they appear to be rather on the dread; they appear to be dying out, I think. Several of us have spoken of it, and said we believed it has had a good effect on that class of people, although they will curse it, and abuse it, and all that thing.

Question. On what ground do they abuse the bill?

Answer. Because it is to interfere with them, and bring good citizens into trouble—so they say.

Question. Do they complain that it prevents them from doing anything that they want to do? Do they openly say that they want to do anything that that bill would punish them for doing?

Answer. I do not know that they say they want to do any of these things, but they say it will be to bring martial law upon the country, and all that sort of thing. I do not know that they really come out and say they want to do any of these things.

Question. From your acquaintance with your community, and with the state of things there, what is your judgment as to whether a member of this order, who is in good standing with them, could be brought to punishment?

Answer. I think it would be very hard to do it.

Question. Suppose one should be convicted and put into your jail, do you believe he could be kept there?

Answer. I do not believe he could. One was turned out of jail—in fact, two of them. This last man they had up was turned out a while back and caught again. It was thought by some that there was some wire-working in his being turned out. A man named Eckridge was taken from a lieutenant somebody there, who had seventeen or eighteen men with him.

By Mr. BAYARD:

Question. How long ago was that?

Answer. That was last spring, a year ago.

Question. The case you have mentioned, which occurred last January, is the only one within your own knowledge?

Answer. Yes, sir.

Question. Have you known of any case since?

Answer. I do not now recollect of any very violent act in my own immediate neighborhood; I have heard of some at a distance.

Question. Not any in your own country?

Answer. No, sir; not right around me.

Question. You say that the passage of this Ku-Klux bill by Congress, in your opinion, has stopped this business, or lessened it?

Answer. That is my opinion.

Question. Did you ever see any of these people yourself?

Answer. Yes, sir, once; I saw twelve.

Question. How long ago?

Answer. That was last winter, a year ago. One night there were twelve came up to the house.

Question. Is Mr. Green Foster your son?

Answer. Yes, sir.

Question. He is the deputy sheriff of the adjoining county?

Answer. Yes, sir.

Question. He has been before us, and also before the grand jury of the United States court?

Answer. Yes, sir.

Question. Was any bill found by the United States grand jury against any of these people?

Answer. Yes, sir.

Question. They have been indicted by the grand jury, and held in bail?

Answer. I do not think they are held in bail. I do not think they have caught any of them yet.

Question. Who is the solicitor of your county?

Answer. Mr. C. D. Forsyth.

Question. He is an appointee of Governor Bullock?

Answer. Yes, sir.
Question. Who is the sheriff of your county?
Answer. Harris Garrett.
Question. How did he get his place?
Answer. He was elected by the people.
Question. What is the politics of that county?
Answer. Democratic.
Question. He was elected by them?
Answer. Yes, sir.
Question. Who were those five men you had a bill against?
Answer. Russell Lowrey, John Wesley McCallum, Hillery Bowles, Augustus Johnson, and Davis Strange.
Question. What is the condition in life of those persons?
Answer. They are generally poor men; four of them are rather boys—youths.
Question. Are they under age?
Answer. Well, I reckon they are of age, maybe all of them; perhaps not.
Question. They are quite young men?
Answer. Yes, sir. This man Lowrey is a man forty years old, I reckon.
Question. Are they men of much character?
Answer. Men of no means of any account, and of no great character.
Question. They are rather low men in the community?
Answer. This man Augustus Johnson is as bad a boy as ever was raised in any country. As soon as this Ku-Klux bill passed he ran away. He confessed that he was the man who struck the three licks with the saber.
Question. You say the old colored man never registered, and never voted?
Answer. No, sir.
Question. There was nothing political in the attack on him?
Answer. No, sir.
Question. What was the object of their attack; was it money?
Answer. I do not think it was. I think when they came to him in disguise, they got him to say or do something that day that they took some exception to.
Question. Did the old man recognize the two men who came in disguise—these Federal soldiers?
Answer. No, sir; he did not know them.
Question. Was he personally acquainted with the fellows you have named?
Answer. Yes, sir.
Question. The two men who came in disguise as Federal soldiers were not with those men?
Answer. I think that Johnson was one of the men, but I do not think the other was. He did not know Johnson, but he knew all the others.
Question. The old man told you that they had made a proposition to him to join in bushwhacking the Ku-Klux?
Answer. Yes, sir.
Question. Did he tell you that he had assented to that proposition?
Answer. He told me he had not; that he had told them he was old; that the Ku-Klux had never bothered him; that they had been to his house once, but had not mistreated him at all.
Question. You believe something that he said then made them come back?
Answer. That is the only reason I can think of. I think they took some exception to what he said or did that day. Giving them corn to feed their horses showed that he was friendly towards them.
Question. Friendly, after he knew what their object was, to bushwhack these other people?
Answer. Yes, sir. A stranger may go to a negro, and especially with the information that he is a soldier or a Yankee, and he can lead him out into everything of that kind twice as soon as a southern man can. They take it for granted that a Yankee is their friend; they have that idea.
Question. They give them their confidence, and do what they are asked to do?
Answer. Yes, sir. When this fellow told him he had thirteen bullet-holes in his hide that he got for freeing them, I think very likely the old fellow did slip out something against the Ku-Klux that they took some exception to. I said to him that if he had said one word against the Ku-Klux they would kill him; that they only wanted to get some advantage of him.
Question. You have been asked about the sentiment of your people. I will ask whether the good men and decent men of your community, without regard to party, are not all opposed to those violent acts?
Answer. Yes, sir, all the good men are; but really a heap of them are afraid to say so.
Question. Is it believed that the people who are now operating in this way are just such low, reckless, and desperate characters as those five men are that were indicted;

and that if men of property make too much opposition to them their property in the country may be burned and destroyed, or something of that kind?

Answer. That is the feeling.

Question. Are such men regarded as desperadoes in your county?

Answer. Yes, sir.

Question. And the feeling is one of desire to keep them from attacking them?

Answer. Yes, sir.

Question. That is the feeling in your community?

Answer. Yes, sir.

Question. Do you know a single upright, sensible man in your community that sustains such acts as these?

Answer. I do not.

Question. You say one of these men ran away?

Answer. Yes, sir.

Question. The other men have been imprisoned?

Answer. No, sir; they have not been arrested.

Question. The sheriff will not execute his process?

Answer. No, sir.

Question. You think he is in default about that?

Answer. I do.

Question. You say a man who had been arrested and put in jail was let out by some wire-working, and got back again?

Answer. His name was Watkins, and he was tried week before last and acquitted.

Question. For what was he tried?

Answer. For robbery, intimidation, &c. He went in disguise, and stole a negro's watch and chain. The testimony was plain against him, but they invalidated the testimony and set it aside. The fellow who was with him turned State's evidence and testified against him, but they invalidated his testimony.

Question. Was it the case of two men going to rob a man?

Answer. There were three of them.

Question. Was there any difference in that case from a usual case of robbery?

Answer. Nothing in the indictment, I think.

Question. It was just an ordinary case of robbery?

Answer. Yes, sir.

Question. Were not the three men, who were convicted and sentenced to the penitentiary, men who had committed an outrage upon a negro while they were disguised?

Answer. Yes, sir.

Question. They were tried in court and convicted?

Answer. Yes, sir; in March.

Question. When men are brought before your juries, will they convict them upon reasonable testimony?

Answer. I think they will.

Question. That is the disposition of your people?

Answer. Yes, sir.

Question. Is it the disposition of your people at this time, by themselves and of their own motion, to put down this business?

Answer. It is.

Question. Do you believe the people will put it down?

Answer. If they can.

Question. They are disposed to put it down?

Answer. Yes, sir.

Question. If your solicitors are efficient and your judges are true, will not your juries do their duty?

Answer. They will.

Question. Who is the judge of that county?

Answer. Robert D. Harvey, of Rome.

Question. Mr. C. D. Forsyth is your solicitor?

Answer. Yes, sir.

Question. Have your people been troubled by the frequency of the governor's pardons of criminals after they are convicted, and even before they are tried, and after large rewards have been offered for them?

Answer. I do not think they have been troubled a great deal in that way; I do not think but one man has been pardoned from that county. That was this man Watkins; he was put in the penitentiary, and pardoned out by Governor Bullock.

Question. Was he a bad man?

Answer. Yes, sir.

Question. Had he been tried and convicted?

Answer. Yes, sir.

Question. What was his offense?

Answer. It was a rape on his own daughter. I was on the grand jury that found the bill.

Question. He was pardoned by the governor?

Answer. Yes, sir.

Question. Is that the man who went on afterward and committed some of these offenses?

Answer. Yes, sir.

Question. He was turned loose in the community by a pardon, and was one of the men who have since committed these acts?

Answer. That is so.

Question. I will ask you whether it is given among your people as an excuse (I do not say a good excuse, for it is not) for taking the law in their own hands when they think a man has done wrong, that they believe if he was convicted by the courts he would be pardoned?

Answer. I have no doubt that was some excuse for some of these acts; they produce it as an excuse.

Question. It was a belief among the people that there was no use to try and convict a man, for he would be pardoned?

Answer. That is so.

Question. That is their excuse for taking the law in their own hands?

Answer. Yes, sir.

Question. That is the cause for this matter getting into the hands of these lawless, desperate men?

Answer. Yes, sir, that is so; that was said frequently.

Question. Was anything said among your people about the exceedingly large rewards offered for the arrest of criminals?

Answer. Yes, sir; there has been a great deal said about them. There was a reward of $7,000 recovered last spring for the three men who were convicted, and that was complained of very much.

Question. Had a reward been offered for Watkins?

Answer. I do not think there was a reward in Governor Bullock's proclamation, but I was told there had been a private reward offered for Watkins.

Question. How much?

Answer. It was $5,000 for the first one in each case, and $1,000 for each other.

Question. Watkins was convicted of a rape on his own child?

Answer. Some years ago.

Question. Do you mean a private reward had been offered in his case?

Answer. Yes, sir.

Question. To be paid on his conviction?

Answer. Yes, sir.

Question. And it was paid on his conviction?

Answer. Not for that offense, but for disguised parties; the reward was offered for them.

Question. He was one of the men who committed this crime in disguise, after he had been pardoned out by the governor?

Answer. Yes, sir.

Question. And the reward was paid for convicting him of that?

Answer. No, sir; they failed to convict him.

Question. Where is that man now?

Answer. He went right off; he lives out on Lookout Mountain, a strip of country out beyond Chattooga County.

Question. So far as the people of your county were concerned, would he not have been in the penitentiary to-day if their wishes had been consulted?

Answer. Yes, sir.

Question. And he is at large now because of the pardon by the governor?

Answer. Yes, sir.

Question. And he is one one of the men concerned in attacking people and robbing them?

Answer. Yes, sir.

Question. Are your people generally pretty hard at work—industriously occupied?

Answer. Yes, sir; they are obliged to work.

Question. Do the white men work?

Answer. Nearly the whole country work.

Question. Is there generally a disposition among your people to treat the black people kindly?

Answer. Yes, sir.

Question. Do you find many among them who cheat the black people out of their wages after they have worked for them?

Answer. Not now; along at the start, after first freeing them, it was so, but they have found out now that it will not work; that it is their interest to stand by a contract with black men or white men.

Question. Suppose that a black man came forward and showed to the people that he had worked a year for somebody—had raised crops, and at the end of that time the man sought to drive him off without his share, what would be the public estimate of that white man?

Answer. Rather bad; they would scorn him down.

Question. The whole community?

Answer. Yes, sir.

Question. Suppose that black man brought a suit against the white man to recover what was his due, would there be any difficulty among your people in giving him justice?

Answer. Not a bit; if he established his claim clear, I think he would get it.

Question. Do you know any case now, since times have been more settled, since there has been something in the form of a State government, do you know any case of a black man wronged of his pay, and his wages persistently kept from him?

Answer. I do not know one.

Question. Is the feeling kind toward the blacks?

Answer. Yes, sir.

Question. Do they feel happy in their homes?

Answer. Yes, sir.

Question. Do they feel protected by the white people?

Answer. Yes, sir.

Question. Have the black people come to town a great deal since they have become free?

Answer. I do not think they have until this raiding.

Question. That frightened them.

Answer. Yes, sir; I think two hundred have come there last fall and winter.

Question. Have they gone back?

Answer. It is mighty hard to get them back; they say they are afraid they will be Ku-Kluxed.

Question. Those who remain there do not feel that way?

Answer. They have remained, and do not feel frightened.

Question. You have employed these people all your life?

Answer. Yes sir.

Question. You feel kindly toward them?

Answer. Yes, sir.

Question. You would not want a black man led into trouble?

Answer. No, sir.

Question. Would you feel safe in going home and getting a number of negroes and carrying them back to your plantation?

Answer. Yes, sir.

Question. You think they would be without danger?

Answer. Yes, sir, at this time.

Question. You think they could go back there and feel secure and safe?

Answer. I think so.

Question. You think the punishment of these men will help the matter, and if the governor does not pardon out criminals who have committed these offenses, but should keep them in jail, where they belong, your people will be safe?

Answer. I do.

Question. That is one reason why you think the black people would be safe there now?

Answer. Yes, sir.

By the CHAIRMAN:

Question. When did this man Watkins commit a rape on his daughter?

Answer. Several years ago; I think it was immediately after the surrender, probably in 1866.

Question. That had nothing to do with the Ku-Klux in any way?

Answer. No, sir; we had not heard of the Ku-Klux then.

Question. How long was he kept in the penitentiary?

Answer. I do not know how long exactly; I think he was turned out during the last twelve months, may be a little more.

Question. Do you know who petitioned for his pardon?

Answer. I do not. I thought he was in the penitentiary safe enough until I heard he had committed some of these outrages.

Question. You do not know who signed the application for his pardon?

Answer. I do not.

Question. You never heard?

Answer. No, sir.

Question. You say there have been complaints against the governor for pardoning so many persons?

Answer. Yes, sir.

Question. Do you recollect that a grand jury of Floyd County made a presentment against the governor on that account, and every member of that grand jury had himself signed a petition for a pardon?

Answer. When was that?

Question. Perhaps within the year past.

Answer. I recollect something of that circumstance, but I cannot call it to mind right now. I am pretty familiar with the proceedings of the grand juries of Floyd County and Chattooga County both, for I have lived in both counties.

Question. Have you ever heard of the governor pardoning anybody out of the penitentiary except on petition of those he considered good citizens?

Answer. I have not.

By Mr. BAYARD:

Question. You do not know who signed the petitions?

Answer. I do not; I have never signed one of them.

By the CHAIRMAN:

Question. You say this man Watkins, who was prosecuted for robbery, committed that robbery with two other persons?

Answer. Yes, sir.

Question. In disguise and at night?

Answer. Yes, sir.

Question. And one of them turned State's evidence?

Answer. Yes, sir.

Question. What became of the third person?

Answer. I do not think they ever got hold of him.

Question. The proof against Watkins was clear?

Answer. Yes, sir; but they discredited the witness and set his testimony aside.

Question. You spoke of a reward that was received for convicting those three men. Who got that reward?

Answer. Well, sir, I have it from one of the parties, Mr. Cleghorn, who said he got a third of it, Joe Wyatt got a third, and William Wyatt got the other third.

Question. Who are they?

Answer. They are citizens of our county.

Question. Do they hold any official position?

Answer. No, sir, I think not. Cleghorn had been deputy sheriff, but I do not think he was at that time; he is a merchant there. It is likely that William Wyatt was bailiff; I am inclined to think he was, but I am not positive about it. I do not think that Joe Wyatt had any position of any sort. It was said, and I think Cleghorn said so, that Garrett got a part of the money; I do not know what part. Garrett is the sheriff.

Question. The present sheriff?

Answer. Yes, sir; and he was the prosecutor, no doubt, in the case against Watkins the other day.

Question. He is the same sheriff that you think is remiss in his duty in not arresting these other men, because of his sympathy with them?

Answer. Yes sir.

Question. I understood you to say, in reply to questions propounded to you, that if these offenders were brought before your juries, and evidence of their having committed the offense was brought before them, your juries would convict them?

Answer. I think so.

Question. Would they feel any timidity or any appprehension in finding a verdict against them?

Answer. They would have some misgivings, but I think they would do it.

Question. Then why is it that in the case of these multiplied offenses of the character you have described, the most grevious wrongs men can perpetrate upon each other, nobody has been brought to trial and punished, with the single exception you have mentioned?

Answer. I think it is generally from intimidation; I think the people generally have been afraid to do it.

Question. In other words, there is a reign of terror there?

Answer. Yes, sir. I have seen men who have been whipped by them; I recollect one man in particular, who did not have any disposition to ferret out the matter at all. That was a man by the name of Willlam Sharpe.

Question. Was he a white man?

Answer. Yes, sir.

Question. What was his character?

Answer. He was a good working man; he worked for me one year, and is working for my son this year.

Question. Was he beaten severely?

Answer. Not very badly.

Question. What was he beaten for?

Answer. They accused him of falling out with a friend, and they beat him until he promised to go and make up with him, and he did it; he said he received his orders and went.

Question. You spoke of five white men who had committed an offense against a colored man in your employment. You say Lowrey is forty years old?

Answer. Yes, sir.

Question. What is his condition in the country in the way of property and manner of living?

Answer. He is a poor man. He is on a little place which I am told belongs to his father. His father is as clever a man as there is in Cass County, and his father-in-law is as clever a man as there is in Gwinnett County.

Question. With the exception of Johnson, what are the other three men?

Answer. Clever men; they belong to good families. Well, there is not a cleverer man in the county than old man Strange; and old man Bowles and old man McCallum are clever men.

Question. You have been asked something about the public sentiment among the people. What newspapers circulate through that county generally?

Answer. There are the Rome papers, the Courier and the Commercial. Some of us take the Constitution from this place; I take the Constitution.

Question. What has been the tone of their expressions with regard to these Ku-Klux operations?

Answer. They have generally favored them, or if they said anything against them, they would speak very low—speak easy about it. The grand jury of Floyd County once spoke out the sentiment of every honest man, in my judgment. They went on and stated that if there had been any use for this party it had all passed away, and they asked them to go no further, but to let it alone. The papers pitched into that grand jury like all five hundred, and caused the next grand jury to bring in a rebutting kind of concern. And now, right lately, the Courier has had several very bitter pieces in it against persons who have taken any interest in suppressing this lawless conduct.

Question. In your opinion, has the course taken by these papers had a tendency to encourage and keep up this lawlessness?

Answer. Of course it has; I am certain that if those papers had come out and condemned them, even the fathers of these young men would have seen it. The fathers, no doubt, knew all the boys concerned in it, and they would have said to them "Look here, you must stop this." But they read the newspapers, saw that they winked at it and encouraged it, and they let the boys go on.

Question. Do you think those young men rode their fathers' horses?

Answer. Yes, sir; I think so very often.

Question. Do you think they keep their horse disguises and their own disguises around their fathers' houses?

Answer. I reckon so. This man McCallum has said that they would not have gone out the night they killed the old negro at my house if it had not been for Lowrey; that he sent word to him to come and to come quick; that the negroes were going to get up the devil pretty smartly somewhere, and he must come quick. He said that he and Johnson were up stairs at his father's making some disguises, and did not aim to go out that night at all. Young McCallum stated that, and that Bowles came and brought news from Lowrey. Lowrey appeared to be the "cyclops," I believe they call it—the captain of the crowd.

Question. Lowrey was understood to be the "cyclops?"

Answer. That is the understanding.

Question. Do you know what they call any of their other officers?

Answer. I do not.

Question. You never heard the names of the others?

Answer. No, sir.

Question. Do you know what they call the association or company or band?

Answer. "Ku-Klux Klan," I think.

Question. Do you understand that they are divided up into separate lodges or companies?

Answer. I do not know that I understand anything about that. I am told that they used to meet occasionally, and some of the head ones would swear them all in.

Question. How did you get that information?

Answer. From a very reliable man. We were speaking about the thing, taking the whole of it into consideration, and about the men that we thought were concerned in it. We were led to speak of a certain preacher of the Gospel, a man who preaches regularly and had the charge of four churches. He said that he knew something about him; that he did preach at a certain place on a certain day, and that they had a meeting at a certain place in the mountains that night, and were to initiate him in; but he studied the thing over and never went.

Question. What had the preacher to do with it?
Answer. He said he was to swear him in.
Question. What was that preacher's name?
Answer. Glazener.
Question. Where does he live?
Answer. In Cherokee County, Alabama.
Question. What is his post-office address?
Answer. I think Galesville is his post-office address.
Question. Is that the county seat of Cherokee County?
Answer. No, sir; it is a little town on the river above the county-seat.
Question. How long ago was it that you got that information, or that this friend of yours was to be sworn in?
Answer. Some year or more ago.
Question. Did he tell you of any persons that he supposed belonged to it?
Answer. Yes, sir; he spoke of Lowrey, Bowles, and McCallum as belonging to it.
Question. The young men of those names?
Answer. Yes, sir.

By Mr. BAYARD:

Question. Who was your informant?
Answer. Elihu Hendley; we call him Squire Hendley.
Question. What do you suppose or think is the number of men in these bands?
Answer. Well, sir, there were a good many at one time?
Question. How is it now?
Answer. There are only just little squads now, who go and inflict some punishment on some fellow.
Question. What do you believe is the motive now for these acts—personal dislike or plunder?
Answer. Personal dislike mostly. They occasionally strike a case like old Watkins; take away the negro's gun. Some low-down fellow will do that.
Question. Do you think there are any people in your country engaged in distilling without license?
Answer. I expect there are.
Question. Do you think these people are in any way connected with them—engaged in protecting them?
Answer. Well, I expect they are; yes, I would think they are.
Question. Do you believe that at this time that is the most frequent reason for their assaulting at all?
Answer. Well, yes, I would rather think it was.
Question. You think that about this time their numbers are insignificant?
Answer. Yes, sir.
Question. And reduced to these low men?
Answer. I do think so.
Question. And whatever organization may have existed for any other purpose, it has now gone to pieces?
Answer. Yes, sir.
Question. You have spoken of the fathers of some of these young men as being quite respectable?
Answer. Yes, sir.
Question. Do not their fathers look with regret on this business, and disapprove it?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you tell us what was the political standing of these men who got the reward—Garrett, Cleghorn, and the two Wyatts?
Answer. Well, they claim to be democrats.
Question. How was it with the preacher who was going to swear these fellows in?
Answer. I think he claims to be a democrat.
Question. Is Squire Hendley also a democrat?
Answer. Yes, sir.
Question. And the fathers of these boys?
Answer. Yes, sir; they are considered democrats now.

By Mr. BAYARD:

Question. What are you?
Answer. I am a democrat. I am one of the few men who voted for Stephen A. Douglast for President before secession. I commenced voting the democratic ticket when I was about twenty-one years old, and I have voted it from that time to this, with some few exceptions, for personal friends.
Question. Do you know that Mr. Forsyth was interested in and received a portion of that reward?

Answer. I do not know it; that is the report.

Question. Are you aware of the fact that he so stated before the committee in Washington?

Answer. I was not aware that he stated so; I know it has been reported that he did get some of the reward.

Question. What other gentlemen are reported to have got some of it?

Answer. I do not recollect; there has been so much said about it that I cannot say now.

Question. Mr. Forsyth was solicitor of the district?

Answer. Yes, sir.

Question. He is a republican is he not?

Answer. Yes, sir, that is the understanding.

By the CHAIRMAN:

Question. The subject has been canvassed very fully in the newspapers?

Answer. Yes, sir; and in our settlement everywhere.

Question. Do you know whether the distillers furnish liquor to these people who are going around in this disguise?

Answer. They do not ask many questions about it; when they get where it is I am told they just lay hold of it. I do not think the distillers would give them a great deal. Occasionally, when they go through there, they make the grocery-keepers give them what they want.

ATLANTA, GEORGIA, *November* 6, 1871.

WILLIAM C. MORRILL sworn and examined.

The CHAIRMAN. You will please commence the examination of this witness, Mr. Bayard, he having been called at your instance.

By Mr. BAYARD:

Question. The resolution appointing this committee directed us to inquire into the condition of Georgia and other States, and to ascertain the security for person and property within your borders. At my request you have been summoned here to give such information upon that subject as you may possess. When did you come to Georgia?

Answer. I came here in December, 1865.

Question. Of what State are you a native?

Answer. Of the State of Maine.

Question. Are you related to the Senator from that State, Hon. Lot M. Morrill?

Answer. I am distantly related to him; I know him very well, having met him at my father's house many times. But I am more nearly related to Senator Morrill of Vermont.

Question. Did you come here at the close of the war?

Answer. During the war I was in service in the Army, in the southern department. After the close of the war I went home for a time.

Question. When you came here in 1865, what official position did you hold?

Answer. I held no official position whatever when I came here. I came in December, and went into Southwestern Georgia, and in connection with General Sheppard, of Maine, bought a large plantation there.

Question. He was an officer in the Federal Army?

Answer. Yes, sir.

Question. You bought land together there?

Answer. Yes, sir.

Question. Do you continue to hold it?

Answer. No, sir; I sold out about two years ago.

Question. To whom?

Answer. To Mr. Cutler, of Maine, who sold to another Maine man.

Question. Is General Sheppard living there?

Answer. He does not live there a great deal; he owns half of the plantation, but he spends the most of his time in Maine, his father having died. I remained two years on the plantation.

Question. Engaged in planting?

Answer. Yes, sir.

Question. Where did you go then?

Answer. I went to Americus after that. I was an agent of the Freedmen's Bureau for a little while at that time.

Question. Where did you go from there?

Answer. I went to Macon in April, 1868, or soon after General Grant was inaugurated. I was appointed collector of revenue for that district.

Question. You were collector of revenue?

Answer. Yes, sir, and I am in fact to-day. I resigned my position last May, but my successor was not appointed until within the last week.

Question. Who is he?
Answer. William Gray.
Question. Where from?
Answer. I think he is from Pennsylvania. He has been here since 1865.
Question. Were you also United States commissioner?
Answer. I was United States commissioner at Americus for some time after I was agent of the Freedmen's Bureau.
Question. You having held these offices, I need scarcely ask you whether you have been identified with the republican party, and are now a member of it?
Answer. I am now a republican and always have been.
Question. Your residence now is in Atlanta?
Answer. Yes, sir.
Question. What position do you hold here?
Answer. I am treasurer of the Western and Atlantic Railroad Company.
Question. So far as your observation has extended, is there in Georgia at this time a condition of things that affords security to person and property within your midst?
Answer. Well, sir, I think so, particularly within the last three years where I have been; I have been so situated that it could not have been otherwise very well. I have been living at Macon for the last two years of the time; and I think that, generally, property has been perfectly secure; at least I have always felt so.
Question. Do you believe the laws of the State and the disposition of the people of the State are such as to produce peace and good order and security for all men within its limits?
Answer. In the communities where I have lived latterly I think that is the case.
Question. That is your own experience?
Answer. Yes, sir.
Question. Have you met with injury or indignity of any kind?
Answer. No, sir; I have been very kindly treated since I have been in Georgia.
Question. Have you a family?
Answer. I am a married man.
Question. Were you married here?
Answer. No, sir; I brought my wife from Maine.
Question. Do you intend to identify yourself with the people of the State?
Answer. I expect to remain here as long as I live.
Question. Do you, as a northern man, feel that you have your rights as a gentleman and a citizen fully protected by the sentiment of the people of Georgia, and by the laws of the State?
Answer. I could not say but what I feel so. I have been exceedingly kindly treated since I have been in Georgia, as I said before, much more so than I really expected to be when I first came here.
Question. Do you believe that persons coming into Georgia from the Northern States, seeking as you have done to abide by the laws of the State, conducting themselves with propriety and civilly towards the people, will meet with the prosperity attending citizens elsewhere?
Answer. In the section where I have lived I think that would be the case. But in sparsely-settled counties it was a difficult thing for a man to settle two or three years ago.
Question. The fever of the war was still lingering?
Answer. Yes, sir, very much so. I think I should have found it difficult to live pleasantly in some counties.
Question. Has that feeling worn off at this time?
Answer. Since I have moved to Macon I have been right in cities all the time, and I know little of the communities outside of the cities.
Question. Was not your settlement first in what is called the black belt of Georgia?
Answer. Yes, sir.
Question. Where that feeling would be the strongest?
Answer. Not in the county where I lived. That was an exceedingly rich county, Dougherty County, perhaps the richest county in the State in proportion to its size, with the wealthiest and largest planters. We paid $45,000 cash for a plantation there in 1865. Where I think the greatest difficulty has been heretofore is in counties where the people are rather poor, where there is but little wealth.
Question. And they are restless and discontented from that cause?
Answer. That is my judgment.
Question. You remained there planting for a time and then removed?
Answer. Yes, sir.
Question. Your partner, General Sheppard, lost his father, and returned to Maine?
Answer. Yes, sir.
Question. But for those changes, was there anything in the society around there, or in the security there, that would have caused you to have abandoned your plantation?
Answer. Not in the least.

Question. You could have continued to plant or farm there with perfect security?

Answer. I have no doubt about it.

Question. I presume that negro labor was your chief labor there?

Answer. Entirely.

Question. Were they more numerous in that county than the whites?

Answer. I was manager of an election there at one time, and I think there were 500 white voters to 2,400 to 2,500 colored voters.

Question. In the society around you was there and is there anything like insecurity to the colored people?

Answer. Well, sir, in the section where I lived they were well treated and generally pretty well paid. Since I have been here I find that an intelligent wealthy farmer treats his hands very much better than the class who did not own slaves before the war, who are what are called here poor whites, and are nearly on an equality with the negroes.

Question. Jealously between laboring men affects them?

Answer. That has been my experience, so far as my observation goes. While I was agent of the Freedmen's Bureau I saw, to a very great extent, that a large wealthy planter very seldom had much trouble with his hands. It was always those who planted on shares, poor people, who had the most difficulty.

Question. They treated these laborers often unjustly?

Answer. Yes, sir.

Question. What is the sentiment of the community toward a white man who would employ hands and not pay them?

Answer. I do not know that I could answer that question; I think that you will find the people in this country in that respect as you would find people everywhere. There are some men who would denounce it bitterly, and again there are men who would pass it over and think nothing of it.

Question. Is there any difference in that respect between men North and South? There are dishonest men and employers and there are honest ones; do you find the same average prevailing here as in most other places?

Answer. I do not think I did when I first came down here. You must recollect that these people had just lost all their property, and they felt that what they could get out of a negro for a year or two they were entitled to—that is, a portion of them felt so; a great many men did not think so. A great many of them are as honorable men as I have ever met in my life.

Question. Would you apply that to most of the employers of the State?

Answer. I am not capable of giving a judgment as to that.

Question. Well, to the most of those you know?

Answer. No, sir; I would not. But I think that in Dougherty County most of the planters were wealthy, and paid their hands fairly and were obliged to do it to secure labor for their plantations.

Question. Did they not pay them voluntarily?

Answer. Yes, sir. For instance, I will say that in the section where I lived I saw very little difficulty in regard to paying hands while I was there, and heard very little complaint. We hired the same hands that were on the plantation with the man from whom we purchased it, and when I left there nearly every man that I had hired was there then; we worked nearly a hundred hands.

Question. You were agent for the Freedmen's Bureau for a time?

Answer. Yes, sir.

Question. Complaints would be made to you?

Answer. Yes, sir.

Question. Therefore you would be apt to know if any such difficulty existed?

Answer. Yes, sir.

Question. Was there difficulty in making settlements for those people of a reasonable character?

Answer. I had a great many complaints made to me, sometimes well-founded, and sometimes ill-founded. The agent who had been there before I was appointed was not a very good man. He had debauched the sentiment of the colored people and of the white people together.

Question. Who was he?

Answer. A man of the name of Robinson.

Question. How had he debauched the sentiment of the people?

Answer. When I went there I was ordered to review his whole proceedings. I collected $20,000 in one town in cases that he had settled unjustly, and which amount was justly due to the freedmen. He had passed over that amount, and the freedmen came to me subsequently with their complaints. That was mostly in connection with the poorer classes of people.

Question. This man had been a corrupt man in his office?

Answer. Yes, sir.

Question. He had also demoralized the people by selling liquors?

Answer. He drank a great deal, and when parties came in he would settle a claim for a drink of whisky, no matter what it was.

Question. What was his name?

Answer. I think it was John L. Robinson.

Question. Where did he come from?

Answer. I do not know; he was an officer in the Army, and I think he was discharged and arrested for malfeasance in office there, by the Quartermaster General's Department in Washington; I do not know what became of him.

Question. You consider that he had brought about a great deal of difficulty between those people by his improper conduct?

Answer. Yes, sir.

Question. While we are on that subject I will ask whether, at the close of the war, and during the existence of the Freedmen's Bureau and its operation in the South, there was much of the same kind of conduct as that of Robinson? I will confine it to this State.

Answer. I am hardly able to answer, from the limited extent of territory of which I have any knowledge. But I do not think there was a great deal of it.

Question. Were there, to your knowledge, other instances than Robinson's?

Answer. I do not know of any other instance. I can tell you the name of a gentleman here who could give you full and complete information on that subject; that is the State school commissioner, John R. Lewis; he was commissioner of the Freedmen's Bureau for this State.

Question. Was there a man ever connected with the Freedmen's Bureau of the name of Henry M. Turner, a colored man and a preacher?

Answer. Really I do not know; I do not think he was.

Question. You know such a man?

Answer. I know him very well.

Question. Mr. Turner was examined before this committee, and stated that he had been connected with the Freedmen's Bureau, and had left it because of some disrespect towards him from officers.

Answer. He may have been, but I never knew that he was.

Question. You know Turner very well?

Answer. Yes, sir.

Question. What is his general character and method of life here?

Answer. I think he is a great scoundrel.

Question. Was a charge ever made against him before you, as United States commissioner, of passing counterfeit money?

Answer. Yes, sir.

Question. Did you hear the testimony in that case?

Answer. I did.

Question. Did you come to a conclusion in regard to it at one time, so as to bind him over to answer?

Answer. Not fully; the case came before me, and for two days I heard evidence, and no defense was put in at all.

Question. Was he present?

Answer. Yes, sir; but he had no evidence whatever. If the case had stopped there I certainly should have bound him over. But he brought in rebutting testimony that satisfied me that he was not guilty.

Question. At whose instance was that charge brought against him?

Answer. Mr. Swazey.

Question. Who is he?

Answer. He is the editor of the Union, in Macon.

Question. Does he hold any office at all in connection with the Freedmen's Bureau?

Answer. I believe he did while I was planting, though I did not know him at that time.

Question. Is he living in Atlanta at this time?

Answer. No, sir.

Question. Does he hold any office now?

Answer. He is United States commissioner now.

Question. Where did he come from?

Answer. I do not know.

Question. Is he a northern man?

Answer. I think he is a southern man; I know he lived here before the war.

Question. You know him?

Answer. Yes, sir.

Question. Turner is a great politician, is he not?

Answer. He is considered so.

Question. Was he not elected to the legislature at one time?

Answer. Yes, sir.

Question. Did he lately claim a seat here?

Answer. He was a candidate for election to the legislature, but they have seated the other members.

Question. Is he a man very much given to making political speeches all over the State?

Answer. I think he is. He is a very smart speaker.

Question. You say his personal character is bad?

Answer. The evidence before me, in the case that I heard, satisfied me that he is a very bad man.

Question. Do you remember a certain letter that was produced at that time, written by Turner to a colored preacher, inclosing him a free pass over the State road which Turner had obtained for him, and which letter contained exceedingly lascivious and licentious remarks?

Answer. I do.

Question. Would you care to repeat the language of that letter?

Answer. No, sir; I do not think I would.

Question. Was it of an exceedingly gross and indecent character?

Answer. It was the most obscene language I ever saw written in my life.

Question. Was it such language that any respectable religious man could have used under any circumstances?

Answer. No, sir; nor any other man. To tell you the fact about it, Mr. Turner was appointed postmaster.

Question. Where?

Answer. At Macon.

Question. By whom?

Answer. By the President.

Question. Do you mean President Grant?

Answer. Yes, sir; through the influence of Mr. Sumner, I think. And after this testimony came out—I knew nothing of him before that—I carried that letter on and showed it to Mr. Creswell, and had him removed right away.

Question. That letter was so gross and indecent that he was unable to retain him in office?

Answer. Yes, sir.

Question. What is the population of Macon?

Answer. About 11,000.

Question. It is a fine flourishing town?

Answer. Yes, sir.

Question. Are there a number of men there of character and position who belong to the republican party?

Answer. Not near as many as I wish there were.

Question. Are there some there?

Answer. Yes, sir.

Question. Are there men there who would have been fit for that place

Answer. Well, the present incumbent is a very good man indeed.

Question. What is his name?

Answer. Elijah Bond; an old citizen there for twenty-five years.

Question. A respectable gentleman?

Answer. Yes, sir.

Question. A member of the republican party?

Answer. Yes, sir.

Question. Had he lived there at the time Turner was appointed?

Answer. Yes, sir.

Question. What is Turner's reputation in the community for morality?

Answer. I do not know very much in regard to his personal habits at all. The most of my information in regard to Mr. Turner is what came out in the testimony before me in connection with the charge of his passing counterfeit money.

Question. Is he a man who, from what you know of him, is entitled to belief in his statements on a subject in regard to which he has any feeling or prejudice?

Answer. I should hardly think he was.

Question. Do you know whether he is a very reckless and unscrupulous man in his charges against those whom he dislikes, and in his charges generally against the community?

Answer. That I do not know. I never heard him speak but once in my life, and I could not say whether he makes extraordinary charges against people or not. He has been a great deal accused of it.

Question. Have you heard from reliable persons that he is in the habit of making speeches tending to create popular excitement, to excite his own race against the white people, their political opponents?

Answer. No, sir; I do not think I have heard of that. He is a very strong partisan, but I never have heard of him that he had been agitating the subject of a conflict between the races, or exciting very much animosity between them.

Question. You have no knowledge of that?
Answer. No, sir.
Question. You reside in Atlanta now?
Answer. Yes, sir.
Question. And have not resided in Macon since when?
Answer. Since last March.
Question. You have no knowledge of the circumstances attending the late election there?
Answer. No, sir, I was not there.
Question. Whom did they elect to the legislature in the first election in that county, the election of which you were manager?
Answer. Well, sir, I really do not know. I lived a hundred miles south of that, and was a new-comer in the State; I do not recollect.
Question. I was going to ask you whether you knew the character of the men who were sent to the legislature?
Answer. No, sir; I do not.
Question. Were they colored men?
Answer. That I do not know.
Question. How many white republicans do you suppose there are in Macon?
Answer. Well, I do not think there are more than twenty.
Question. Twenty out of the whole population?
Answer. Yes, sir.
Question. The blacks have the majority there?
Answer. Well, it is a pretty even thing there. The whites are in the majority in the city proper; they had about one hundred and fifty majority by the last census, but in the county I think the republicans have a majority generally.
Question. It is a pretty close thing?
Answer. Yes, sir, it is.
Question. You have been an agent of the Freedmen's Bureau, and have been living here for six years among this people. I wish to ask you now what is the estimate you place upon the reliability of negro testimony as a rule?
Answer. Well, sir, I hardly know how to answer that question. Many times their testimony is perfectly reliable, and many times it is not. For instance, they get very crude notions sometimes in regard to their accounts and would say a great many things that were not true; then, again, they were perfectly reliable. In fact you could hardly expect a clear legal opinion or decision or evidence from a colored man, taking everything into consideration, their lack of knowledge and education, and everything of that kind, with their peculiar views of things, their vivid imagination.
Question. I am not finding fault, I am only asking you as to the fact. You have had experience; you have been accustomed to have charges brought before you based upon their testimony. I would ask whether without corroboration you would take their accounts of things and rely upon them; would you feel safe in doing so?
Answer. Not always.
Question. I have no objection to stating to you why I ask these questions. We have had a great number of negroes before us of an exceedingly humble class, even of that humble class, who have testified here to very great outrages upon their persons. They have suffered, there is no doubt about that; there is no doubt they have been frightened. My object is just to ascertain your opinion as to the weight of such testimony so given, under the influence of natural animosity and fear.
Answer. Well, sir, I could not answer that question; everybody has to judge of the character of the testimony before him, and of the character of the witnesses more than from what can be stated from general information. I have found a great many times that they have stated a great many things that the evidence would not substantiate; in other cases their testimony has been very accurate. When I was agent of the Freedmen's Bureau a great many outrages were reported to me, some true and some not, for I investigated them all. I also investigated some while I was United States commissioner.
Question. Did you not find that you were obliged to take the testimony of negroes with a pretty large amount of allowance?
Answer. Not always. Two years ago and more there were some outrages reported to me from sparsely-settled counties, which upon close investigation I found to be true; then again, in other cases, upon investigation I found the statements that had been made to me were not accurate. I will cite an instance where the testimony was not true, and the outrage reported was so fearful that I made them take an oath to it. It was reported to me that a man had tied up a negro girl and whipped her until she fainted away. In fact, a white man came to me and told me about it. I immediately sent some soldiers and had the man arrested and brought before me, and I had the girl brought before me. The evidence showed that the man who gave the information had seduced the girl and she had run off with him. She was a town girl and had been taken home and whipped by her mistress with a peach switch; there was not a mark on her person.

By the CHAIRMAN:

Question. The first information of that case was reported to you by a white man?

Answer. Yes, sir, to whom a colored man had told it. I know one instance, three years ago, where a case was reported to me of a colored man being whipped with a buckle strap on his stomach until his intestines protruded. I investigated that case and found it to be true.

By Mr. BAYARD:

Question. How long ago was that?

Answer. About three years ago.

Question. The State was then under martial law?

Answer. Yes, sir; that was in Schley County, a very poor county. The people there are mostly poor people, and extremely bitter.

Question. It was a brutal outrage among low people?

Answer. Yes, sir; one of the most brutal outrages I ever heard of. It is in those communities, where the moral sentiments of the people are not of a very high character, that most of these outrages occur.

Question. You say men have been turned off without being paid for their labor?

Answer. I know it to be so.

Question. Of what politics is the Atlanta Daily New Era?

Answer. It is called republican.

Question. I find in its issue of yesterday morning a statement that in Albany some two thousand laborers on the Brunswick and Albany Railroad are now thrown out of work with several months' wages due them. Do such outrages occur with laborers in many portions of this State?

Answer. Yes, sir.

Question. Have you known any case in Georgia that approached in magnitude this case?

Answer. I do not know that I have. There certainly is no individual planter who employs two thousand hands.

Question. Have you ever known in your experience here such a number of persons to be thrown out of employment?

Answer. No, sir.

Question. This is a case in Georgia, of a corporation throwing these people out of employment without paying them?

Answer. That is what the paper says.

Question. By whom is that railroad conducted, who is building it?

Answer. H. I. Kimball & Co. are supposed to be building it; it is so understood.

Question. He is a northern man?

Answer. Yes, sir.

Question. You have been at elections constantly since you have been in this State?

Answer. Yes, sir.

Question. You have voted yourself, and was once a manager of elections?

Answer. Yes, sir; once in Albany.

Question. Have you observed any intimidation at elections?

Answer. The one that I was manager of at Albany was a very fair election indeed.

Question. Where you have voted yourself since then, have the elections generally been free, and all persons allowed to vote?

Answer. One election in Americus, at the time of the presidential election, I do not think was conducted fairly. My reasons for so thinking are these: the laws of Georgia prior to the last election law were very crude in regard to elections; that is, no one was obliged to hold the elections; there was no officer whose duty was obligatory on him to hold an election. The managers of election did not appear on the morning of the election, and there were a great many people there to vote, both white and colored. At that time I was agent of the Freedmen's Bureau, and I swore in three men to hold the election under a law which authorized three freeholders to be sworn to hold the election, if the regularly appointed officers did not do so. There was some difficulty about that. At first they refused to allow the persons I had sworn in to hold the election, and I afterwards withdrew them, upon the promise that officers would be appointed; they were appointed, and the election was opened, about half-past ten in the morning.

Question. After that it was conducted properly?

Answer. There was no difficulty except in this: there were a great many colored people voting, and they continually bothered them by asking questions not pertinent. The result was that out of 1,500 voters I do not think more than 400 or 500 were able to vote during the day. I commented very severely on it at the time in the public papers there.

Question. Was there any actual intimidation or force used?

Answer. None at all.

Question. They put perplexing questions to them?

Answer. Yes, sir, not pertinent to the case at all.

Question. In that way they delayed their voting?

Answer. Yes, sir.

Question. In regard to the political sentiments of men in Georgia; yours have always been known?

Answer. I presume so.

Question. Have you not always expressed them here as at home?

Answer. I have always expressed my views; everybody, I suppose, who knew me at all knew that I was a republican.

Question. Have you ever felt that because of the views you hold, or your method of expressing them, you were brought in danger in any way?

Answer. I have never felt personally any danger.

Question. You have not suffered any personal injury from it?

Answer. No, sir.

Question. You have never been molested or injured because of your public opinions or your place of birth?

Answer. No, sir.

Question. Do you believe your experience here would be the experience of any other gentleman of your character or conduct, coming from the Northern States?

Answer. I do not know why it should not be.

Question. You know no reason to the contrary?

Answer. No, sir.

Question. It has been proven here that the negroes have flocked to the towns a great deal?

Answer. That is true to a great extent.

Question. In your opinion what is the reason for that?

Answer. I do not know that I have ever thought enough about it to give any real succinct reason for it. I presume it arises from two or three causes. In many places I know it has been caused by their having been badly treated. Then, again, a certain class of them do not like to work much, they like to be about town and see what is going on. But in many instances they have been driven from their homes by bad treatment.

Question. Is it not a characteristic of the negro race, so far as your experience in the South has allowed you to notice it, that they prefer lighter and more precarious labor to persistent labor in the country?

Answer. Yes, sir; and that is very natural.

Question. Do they not prefer to come to town and take what is called short jobs, I believe you call them chores in New England, in preference to steady labor in the field?

Answer. There are two or three classes of colored people; one is the best working class I ever saw in my life; they will do labor cheerfully. Then, of course, there are a great many idle, vagrant fellows who will flock to town.

Question. Taking the masses that flock to the towns do they not come from idleness or curiosity, as a rule?

Answer. Well, I do not know.

Question. And in search of lighter employment?

Answer. I am not able to answer that question.

Question. Do they like to congregate in crowds?

Answer. Yes, sir.

Question. My reason for the question is that the fact has appeared before us that they are in all the towns in great numbers; we see them here and we are told they are in other towns. The question is how to account for their coming here. One witness gives us one reason and another another reason. I have asked you because you are a northern man, and have had opportunities for information here which I think would enable you to speak with more authority to the people of the North than, perhaps, a southern man who might be supposed to be prejudiced on the subject.

Answer. Well, sir, my own individual knowledge of their being driven to town because of outrages is limited to a few instances. Otherwise than that I presume natural causes have brought them to town.

Question. A dislike for steady labor, and the desire to see shows and crowds?

Answer. I would hardly say that of the most of them; but out of so large a number there are many who dislike steady labor; but my own experience is, that I never saw better workingmen than I had employed.

Question. Those who remained in the country?

Answer. Yes, sir; those on our place.

Question. Have you parted with your interest in the lands in Southwestern Georgia?

Answer. Yes, sir.

Question. And your partner, Mr. Sheppard, has parted with his?

Answer. Yes, sir.

Question. Suppose you desired to re-engage in planting, would you have any hesi-

tancy in taking with you from the town these black people you meet here and settling them on your plantation?

Answer. I do not like the town hands so well for laborers as I do those who live on plantations.

Question. My question was directed more to the point as to whether you believe that hands taken from towns to the country would be secure in their persons and in the enjoyment of their lives; I do not mean as to the question of economy in taking people from towns to go into the country?

Answer. I do not know why not.

Question. You have no doubt but what you could, with perfect security to them, take them from town?

Answer. I came up here and hired twenty-five hands from this town; but they were not so economical hands as I had before.

Question. My question is not as to whether they would be valuable hands to employ, but whether you would feel that their personal safety would be endangered by taking them into the country to work on plantations?

Answer. No, sir.

By the CHAIRMAN:

Question. There are a great many white people, are there not, who prefer to resort to towns and get light labor instead of engaging in the manual labor in the country?

Answer. I suppose there are; I do not know about all of them.

Question. The towns are full of them?

Answer. Yes, sir; in fact, I think that is natural for a large class of people of both colors.

Question. You have lived in cities for two or three years, in Macon and in Atlanta?

Answer. Yes, sir; since 1868.

Question. And you have had very quiet times in those places?

Answer. Yes, sir, very indeed.

Question. Before that time you had been living in Americus, and upon your plantation?

Answer. Yes, sir.

Question. Did you have any trouble with the hands you employed?

Answer. No, sir.

Question. You employed a large number?

Answer. I will qualify that by saying that I never had trouble with any but one hand; I had a little trouble with one.

Question. You employed a large number?

Answer. Yes, sir; from seventy-five to a hundred most of the time.

Question. State whether, as a general rule, where the negroes have been fairly and honestly dealt with, and their rights have been accorded to them in good faith, that has not generally been the case?

Answer. I think it has.

Question. Are they not, as a general rule, if not as a universal rule, satisfied if they can get a fair showing, justice, and fair dealing?

Answer. Well, sir, they are. To what class of people do you refer; to those on the plantation?

Question. I mean colored men who are employed—laboring colored men.

Answer. Yes, sir, generally I think they are.

Question. Have they not, within your knowledge, been most grossly and outrageously treated, and cheated and wronged by men who employ them?

Answer. As I said before, as far as my observation goes, generally speaking, the wealthy and intelligent planter does not cheat them, is not apt to cheat them. My experience shows that it is the poorer class of whites who have been in the habit of cheating colored people. During my whole experience in Americus, when I was agent there, and I had three pretty large counties, there were very few complaints made against the wealthy planters.

Question. My question was not as to what particular persons have ever cheated them, but whether there were not cases, and a great many cases, of very gross and outrageous fraud practiced upon them?

Answer. There is no doubt of it.

Question. You spoke of having collected $20,000 in cases that had been settled by your predecessor, and which you reopened; had those cases been settled to the prejudice of the laborers?

Answer. Yes, sir; I so considered it.

Question. And you collected that amount for them?

Answer. Yes, sir; I say $20,000 in round numbers; it may not have been exactly that amount; it might have been a little more or a little less, perhaps.

Question. Then, so far as his conduct was concerned, the employers had no occasion to complain of the Freedmen's Bureau?

Answer. No, sir; they did not complain of him very much.
Question. Was he not rather a favorite with them?
Answer. Yes, sir; a great favorite.
Question. You were subject to a great deal of censure for want of liberality and generosity, and those moral and chivalrous virtues?
Answer. No, sir; I do not know that I ever was.

By Mr. BAYARD:

Question. Has any such thing been stated by you?
Answer. No, sir; when I went there I tried to do as near right as I knew how.

By the CHAIRMAN:

Question. Was that language used toward you by any people?
Answer. No, sir.
Question. Was any unfavorable comparison made between you and your predecessor?
Answer. Not to my knowledge.
Question. A paragraph was called to your notice, from the Atlanta New Era, about some hands discharged from the Albany and Brunswick Railroad; that is a road in this State?
Answer. Yes, sir.
Question. A road that is in course of construction, but not completed?
Answer. I think it is not quite completed.
Question. Is that the road that Governor Bullock has seized by proclamation?
Answer. Yes, sir; I judge so. I never noticed that paragraph before, but the Brunswick and Albany Railroad was the one that he seized.
Question. And the corporation that was building that road is understood to have failed, to not be able to meet their engagements, and their laborers have been thrown out of employment?
Answer. That is the impression here.
Question. That has been recently done?
Answer. Yes, sir.
Question. You have been asked with regard to the character of Henry M. Turner. It is proper to say that Mr. Turner was before us as a witness; that none of those things you have spoken of were brought to his attention, and he has had no opportunity for explanation or for making any statement in his own behalf. I understand you to say in your testimony that you regarded him as a great scoundrel.
Answer. Yes, sir, I do; I have no confidence in him whatever.
Question. When did you first know him?
Answer. Personally?
Question. Yes. When did you first get acquainted with him?
Answer. I think it was about 1868.
Question. When was this charge preferred before you of his passing counterfeit money?
Answer. I think that was in the summer of 1869.
Question. Were you satisfied from the examination which you gave it through several days that it was a groundless charge?
Answer. Yes, sir; I discharged him, and that is the best evidence of my belief.
Question. Was there on that trial a great deal of ill feeling manifested in regard to him?
Answer. Well, in one sense there was, and then again in others there was not. The general feeling against Mr. Turner has been pretty bad; that is, the general feeling. The community generally believe him not to be an honorable man.
Question. Was the prosecutor, Swazey, complaining of an offense against himself; did he complain that counterfeit money had been passed upon him?
Answer. No, sir.
Question. He appeared as a voluntary prosecutor?
Answer. He did; he came to me and made the affidavit?
Question. What were his personal feelings toward Turner?
Answer. I think they were very bad.
Question. Mr. Swazey has a great deal of difficulty with a great many members of his party?
Answer. Yes, sir.
Question. Turner has been prominent among his people?
Answer. Yes, sir.
Question. You spoke of a very objectionable letter having been produced and brought in evidence; by whom was that letter produced?
Answer. By Mr. Swazey.
Question. What else was developed on the trial before you to the prejudice of Mr. Turner?
Answer. Well, sir, there were a great many things that were brought out on the trial

that satisfied me entirely about it; I do not know that I could particularize. I was satisfied completely that he was not a correct man.

Question. Not correct in what particular?

Answer. Well, in his morals.

Question. In what department of morals?

Answer. Well, I would say that he was licentious more than anything else.

Question. You know that morals embrace chastity and temperance and lack of profanity, and a great many other things.

Answer. He was not addicted to any of those, that I know of.

Question. Did the objectionable features and traits in his character resolve themselves into a charge of want of personal chastity?

Answer. They did before me, at that time.

Question. Had that anything to do with his passing counterfeit money? What had that letter to do with the question before you?

Answer. It had nothing to do with it in one sense, except that they made serious charges against him, and Mr. Turner claimed the privilege of having the whole matter brought up; of course, I at first ruled out the letter.

Question. He requested to have his whole life and conduct exposed?

Answer. Yes, sir; there was no objection raised, and it was requested to be done, and I allowed it to come in.

Question. I understand that he consented to have his whole character and conduct exposed?

Answer. Yes, sir.

Question. When had that letter you spoke of been written?

Answer. I do not know the date of it. I do not recollect now; not a great while prior to that.

By Mr. LANSING:

Question. Did he admit the authorship of the letter?

Answer. Yes, sir; he admitted it to me.

By the CHAIRMAN:

Question. Did he make any explanations?

Answer. No, sir; he said he did not know why he wrote it. I felt that it was a disgrace to him, as it would have been a disgrace to anybody. I asked him why he wrote such an infamous document; he said he could not give any explanation at all.

Question. But still he admitted the authorship of the letter?

Answer. Yes, sir; in fact, there was no doubt about it; I am well acquainted with his handwriting, or was at that time.

Question. He is a very intelligent man in some respects?

Answer. Yes, sir.

Question. He is well acquainted with his own people?

Answer. Very well, indeed.

Question. How do they regard him?

Answer. There is a great difference of opinion in regard to him in Macon now. I think many of the colored people do not place a great deal of confidence in him.

Question. How is it with regard to others?

Answer. Others believe in him fully.

Question. Do you still say that his dereliction in morals extends beyond a want of personal chastity?

Answer. Well, sir, I would not want to say that; I only say that would be my own impression of what I know of the man. Sometimes I feel that I know a man pretty well, and would not care to trust him much. My opinion is that Mr. Turner is that sort of a man.

Question. You might not want a man of impure character about you in any way?

Answer. No, sir.

Question. Do you know anything affecting his character and standing?

Answer. Nothing positively that I know.

Question. Do you not know a great many men of very high standing and character in other respects who have been very grossly immoral in that particular?

Answer. Yes, sir; that is true; but very seldom has my experience been in that direction, where they have been preachers of the Gospel. That is what Mr. Turner claims to be, and when these things came out I felt so indignant about it that I never had any confidence in him afterwards. As I said before, I think he is a scoundrel; in other words, I have no confidence in him at all.

Question. I understand that; but I want to find out the reason why you have no confidence in him. What else is there excepting this one serious departure from rectitude?

Answer. Well, in a pecuniary point of view, he has borrowed money of me before I knew him very well, borrowed money a great many times. He never seemed to have any particular desire to pay what he promised or what he agreed to pay. He never has told

me the truth in regard to it. At this trial I furnished him money out of my own pocket to pay his lawyers, and he has never mentioned it to me, or professed any desire to pay me; and he has never done what he agreed to do. He has told me a great many times of money that was coming to him, which I afterwards found was not so. That satisfied me that he was not a truthful man.

Question. He would not pay his debts promptly?

Answer. No, sir.

Question. He has not paid you yet?

Answer. No, sir.

Question. What else is there against him?

Answer. Well, I do not know of anything more than that. I think that letter was what turned me against him more than anything else.

Question. That letter is the principal exception—the most objectionable thing?

Answer. That is the first thing that made me believe that he was a bad man; as he was a preacher, I had an entire revulsion of feeling in regard to him when I found he had written that letter.

Question. You were asked about an election that was held at Americus. You say you think it was an unfair election?

Answer. Yes, sir; I thought it was.

Question. You said there was no violence; I suppose no violence would have been allowed?

Answer. There was none attempted that I know of.

Question. If it had been attempted it would not have been allowed?

Answer. It would not have been allowed long; there was a company of soldiers there, but they were stationed a quarter of a mile from town.

Question. The violence would have been promptly quelled?

Answer. Yes, sir.

Question. There was this impertinent and intentional and designed obstruction thrown in the way of voters?

Answer. Yes, sir, there was.

Question. Fully two-thirds of the voters were deprived of their votes?

Answer. I do not recollect the number of votes there, but the county was largely republican, yet the democrats elected their ticket by a very large majority. I myself distributed some 1,500 tickets in the morning, and there were only some 400 or 500 thrown. They had only two polling-places, one for the whites and one for the colored.

Question. The whites were allowed to vote without obstruction?

Answer. Yes, sir.

Question. This interference was by white men?

Answer. By the managers of election, who were white men.

Question. And democrats?

Answer. I presume so; I have no doubt of it.

Question. You spoke about a previous election; was it the election for a convention?

Answer. Yes, sir.

Question. The one you held?

Answer. Yes, sir.

Question. You say that was a fair election?

Answer. I think so.

Question. Everybody was allowed to vote without hinderance?

Answer. Yes, sir.

Question. You have been asked about your own treatment here personally. I understand you to say that you have not been subjected to any personal violence?

Answer. No, sir, never.

Question. What has been your social treatment?

Answer. While I was living on the plantation the neighbors there were really very kind. Most of the ladies, at least quite a number of them, called at our house, and we were kindly treated. In fact I was very kindly treated the first year. I was not acquainted with cotton-planting, and our neighbors used to come over on Sundays and go over the plantation and show me what to do. It was in a very nice neighborhood. They were really nice people; I cannot deny that, because I was so kindly treated.

Question. How has it been since?

Answer. Well, sir, I have always been courteously treated since I have been here. While I was agent of the Freedmen's Bureau, after I had been there a month or two, I was very courteously and kindly treated. I never had any personal difficulty with any one at all, excepting that I did come pretty near it at one time, when I was holding commissioner's court. A man came in intoxicated, and made some trouble, but I committed him right away.

Question. Has society been open to you and your family?

Answer. Not much. I do not think I visited more than one or two families in Americus while I was there. In Macon it was better; I was in society a great deal more there. I suppose five or six families called upon me.

Question. Out of a population of how many thousand?

Answer. About eleven thousand, I think.

Question. How has it been here?

Answer. Here we have a large society of our own, and have not felt obliged to look to others.

Question. Is there much intercourse between those who have come here since the war?

Answer. No, sir; the society has been pretty distinct.

Question. Has it been not only distinct, but has there been bitterness on either side?

Answer. While I was in Americus I was alone, my wife was not there, and of course had very little opportunity to judge about that matter. I do not know so much about bitterness in Macon, because there were but very few families with whom I was well acquainted, and whose wives called at my house; of course there was no bitterness shown, for they called first. Otherwise than that I could not say, for I know very few ladies outside of those who called at my own house. But my own impression is that the ladies in the South are very much more bitter than the men. That has been my judgment from what I have seen and heard.

Question. I wish you would state whether, speaking from knowledge and reliable information, you do not know that in various parts of the State, for the last three years, there have been an immense number of the grossest outrages committed that men can commit on each other?

Answer. I should judge there had been from hearsay, but from what I know of my own personal knowledge I could not say; I think that three years ago it was very much more so than it is now.

Question. There is another thing I wish you would explain. Although a very great number of those cases have been brought to our attention by witnesses, yet we have examined several judges and other gentlemen connected with the administration of the law, and it would seem that they know nothing about those cases; that they have heard very little, and I am afraid care less. Can you explain why that is so?

Answer. I will give you my own impression, based principally on my own knowledge. I refer now particularly to two or two and a half years ago, when I had an opportunity of knowing more than I do at present of what I am now speaking about. There were a great many outrages committed that there was no disposition among the people to ferret out. Now, down in Schley County particularly there are very few people of much intelligence. There were some outrages there for a while, but I prosecuted them under the civil-rights bill and stopped them. In Americus, in Sumter County, there were a great many outrages committed, but I never knew many of them to be brought before the civil courts; some of them were. The fact is, that the colored people are poor and had, as they considered, very few friends. At that time whenever anything occurred to them they always applied to the Freedmen's Bureau. In a great many cases I instituted suits in the civil courts for them; a great many cases I adjudicated in the United States courts.

Question. Do you think, as a matter of fact, that their rights have been asserted or their wrongs redressed with anything like a reasonable and fair amount of justice?

Answer. Well, sir, generally, so far as my experience goes, the judges have been very fair in their decisions. In my records of the Bureau I took a memorandum of every case tried. I think my report to the Commissioner here would show, and I think that is the general impression of all the agents in the State, that the judges usually ruled very fairly. It is not always so with the juries, but in many cases I think they gave verdicts in accordance with the law and the evidence.

Question. What proportion of the cases in which their rights were withheld or wrongs were inflicted upon them do you suppose ever got before the courts?

Answer. A very small proportion. When I was acting as agent in the section where I was, a very small proportion of those cases got into the courts. There is this one thing I will say: you know a freedman very seldom has any money to employ lawyers. Always when he was brought up as a defendant it was the duty of the court to appoint lawyers to defend him, which they did; but where he was prosecutor he had to engage his own lawyer, and generally the freedman had no money for that purpose.

Question. Are you a lawyer by profession?

Answer. No, sir.

Question. Are you much acquainted with the profession?

Answer. No, sir, very little.

Question. Then perhaps you cannot answer very intelligently whether the profession are always ready to prosecute any man's case where he believes he has a just case, whether he can pay him a fee in hand or not?

Answer. That I am not able to answer; I do not know enough about that. I will say this, however, that generally where the courts have appointed lawyers as their counsel they have done their duty. I presume I sat in court in a great many cases where the lawyers did their duty, and under the code of Georgia they received no compensation whatever, unless the defendant was able to pay; and if he was he would be apt to employ his own lawyer.

Question. You were asked in regard to the character of the agents of the Freedmen's Bureau. So far as you know, with the exception of this one man you spoke of, what has been their character for fairness and just dealing, and a desire to do right between man and man?

Answer. I think their general desire to do right was undoubted. Of course there have been individual cases otherwise; this one I referred to in particular. I was requested to go there and examine into his matters. With that one exception, I think they have tried to do as nearly right as they could between man and man.

Question. I wish you would state, from your opportunity of knowing, the fact whether the Freedmen's Bureau and its operations have not done very much to relieve the opressions and wrongs that otherwise would have been imposed upon the negro?

Answer. Well, take it all in all, I think the Freedmen's Bureau has been unsurpassed in its efforts to ameliorate the condition of the colored people. I do think it has been one of the greatest benefits that ever was. Of course there have been individual cases of corruption, but as a general thing it has done a wonderful sight of good.

Question. Upon the whole it has been beneficial in its operations?

Answer. I certainly think so.

By Mr. BAYARD:

Question. You were asked by the chairman something respecting the indifference of judges to do their duty in remedying these wrongs. I will now ask you whether you know of any case, since you have been in Georgia, where you believe a judge shut his eyes to the truth and was indifferent to have justice done a black man when his case was brought up before him?

Answer. No judge of the superior court, within my knowledge; I think some justices of the peace have done so; I believe that in many cases they have not done what they ought to do.

Question. No judge having cognizance of the trial and determination of cases involving such outrages has failed to do his duty?

Answer. Justices of the peace have power to commit.

Question. To commit only. I am now speaking of those having the trial of the cases.

Answer. No, sir.

Question. Then, according to your observation, the judges have not been indifferent to their duty?

Answer. I do not know that they have been indifferent, so far as my knowledge extends of cases coming before them.

Question. That is the test you apply to all?

Answer. Yes, sir, so far as I know; I know of but very few in the counties.

Question. You know of counties where they have been intentionally regardless of right?

Answer. Not the judges of the superior court.

Question. You have been questioned—cross-examined—in regard to the moral delinquencies of Henry M. Turner. I understand you to say that one of the chief causes for considering him a scoundrel, is that he wrote a letter that you have described as being so licentious and lascivious as to justify the Department in turning him out of civil employment; that was the first cause?

Answer. Yes, sir; I think so.

Question. I understood you to say that you could imagine no viler language than he used in that letter?

Answer. It was pure Anglo-Saxon.

Question. That was written by him, he being a professing Christian and a preacher of the Gospel?

Answer. That was the reason that first turned me against him.

Question. Although that seemed to be considered venial by the chairman, in addition to that you caught this reverend gentleman in absolute falsehood, in telling you that he would get money to pay you from sources that he could not get money from?

Answer. Well, yes, sir.

Question. That is the fact?

Answer. Yes, sir.

Question Is there any other language ordinarily applied to that than that you "caught him in a lie?" is that the Saxon of it?

Answer. I was satisfied at the time; I do not believe he thought he was telling the truth at the time.

Question. In point of fact he is a defaulter to you to this day?

Answer. Yes, sir; though not much.

Question. Who is General Krysznowski?

Answer. Supervisor of internal revenue in this State.

Question. Where is he from?

Answer. He was originally from Poland.

Question. How long has he been in this State?

Answer. He came here in 1868, or in the early part of 1869.
Question. How long has he been in office?
Answer. He came here as an officer.
Question. As an Army officer?
Answer. As a civil officer; he was appointed in Washington.
Question. When he came down here he came as supervisor of revenue?
Answer. Yes, sir.
Question. And he has been in that position ever since?
Answer. Yes, sir.
Question. I see by the papers that he has been removed, and that Mr. Marston, of New Hampshire, has been appointed his successor?
Answer. I have not seen that.
Question. It is in the Daily Era of yesterday. Has he been residing here at Atlanta?
Answer. No, sir; he has made his headquarters at Macon.
Question. Was he not here last week?
Answer. I saw him here the day before yesterday.
Question. As a matter of fact, why do you suppose it is that the administration has been compelled to go to New Hampshire to find a proper person to put in that place?
Answer. My idea in regard to revenue is that all supervisors are regarded rather as of the personal staff of the Commissioner of Internal Revenue than civil officers simply.
Question. Do you think the absence of proper persons in the republican party in Georgia is the reason why a man is selected from New Hampshire to come here and take that place?
Answer. No, sir; I do not think that is so.
Question. Would it not be remarkable if in the State of Maine (there is a supervisor of internal revenue there) a Georgian was sent to occupy such a place?
Answer. I do not know; I presume it might occasion some surprise.
Question. Did you ever know such a case?
Answer. No, sir.
Question. I have drawn your attention to this case because we are here to learn something of the condition of this country; and to my mind there is something unusual in the fact that a gentleman is brought from so great a distance to fill a place, which seems to be not the custom elsewhere in this nation, and which should be filled by a resident of the locality.
Answer. I do not agree with you there. It may have been the custom to have appointed the supervisors from the section in which they operate; but with my knowledge of the revenue law, I think a supervisor should be of the personal staff of the Commissioner of Internal Revenue, and he should be left free to select men he thoroughly knows and is acquainted with.
Question. Do you think it would be a natural thing if a gentleman from Georgia should be appointed to-morrow to fill a similar position in the State of Maine or Massachusetts?
Answer. I do not think it makes any difference where he is appointed from; I think the Commissioner should be free in regard to supervisors to select men that he has unlimited confidence in, because their duties are peculiar.
Question. I think that would be very reasonable as a practical fact; I am only asking as to the custom in regard to filling places.
Answer. I do not know where the supervisors come from. General Krysznowski was sent here as a supervisor; I do not know who is the supervisor in Maine. I think that three or four States there are under one man, and the supervisor is appointed from New Hampshire.

By the CHAIRMAN:

Question. The supervisors, as I understand you, are, so to speak, the eyes of the Commissioner?
Answer. They ought to be.
Question. They superintend the operations of the local officers?
Answer. A supervisor not only superintends all local officers since the law about supervisors has gone into force, but it was considered that the collectors and assessors, if they attended to their official duty of collecting taxes, had about as much as they could do. The supervisor has not only to supervise their official conduct, but also to detect frauds upon the revenue; that has been generally what I supposed to be their duties.
Question. They were created by the act of July, 1868?
Answer. Yes, sir; the act of July 20.
Question. They have been selected from men in whom the Commissioner has perfect confidence?
Answer. That has been my idea always, and I have thought it a very proper one.
Question. Mr. Krysznowski was appointed by Mr. Delano?
Answer. Yes, sir.

Question. Do you know whether Mr. Delano attempted to get men for supervisors who were not immediately connected with the localities to which he sent them?

Answer. I do not know. For a long time while he was Commissioner of Internal Revenue he used to change them occasionally, never allowing them to have a local habitation. His idea was that after a supervisor had been in a place a certain time he should be transferred to another district, so that he might not be subject to improper influences.

Question. Your attention has been called to the New Era of yesterday. Had your attention be encalled to a communication in that paper headed "Ku-Klux in Georgia?"

[The communication is as follows:

"KU-KLUX IN GEORGIA.

"OUTRAGES IN BURKE COUNTY—THE VERITABLE 'KLAN' AT WORK—NAMELESS OUTRAGES.

[From the Savannah News.]

"We are permitted to make the following extract from a private letter from Mobley's Pond, Scriven County. The trouble occurred in Burke County:

"There is quite a panic above here among the negroes. The veritable Ku-Klux appeared about six miles from this place, at Oliver's Mill, and shot five balls through Rice Heath, a negro who was living in adultery with a white woman named Griffin. They then strapped the woman across a log, and whipped her so severely that she could not sit up yesterday. They treated another negro (George Nesmith) likewise, and went up near Ellison's Landing, (Lime Works,) killed another negro by shooting him, and took another off, who has not been heard of since. All this occurred last Wednesday night. They stopped at Brigham's store, bought whisky, and, in answer to the question by Brigham where they were from, replied, 'Hell! and we must be back before day.' Some of them were not disguised, but were perfect strangers to Brigham.

"Such outrageous conduct as this seems to us to be ruffianism pure and simple. Hardly any provocation can be held up as an excuse for such flagrant rowdyism, and we trust that the good people of Burke will lose no time in bringing the offenders to justice. Besides breeding local strife and dissension, such outrages bring punishment and oppression upon innocent people in the shape of Federal satraps and martial law. Lawlessness of this sort is always condemned by good citizens, and should under no circumstances be tolerated."]

Answer. No, sir; I have not seen that before.

Question. Do you know anything about that occurrence?

Answer. No, sir; only what has just been read. There have been a great many outrages in all those counties, from Washington to Burke.

Question. There has been a great deal said in this State, in the direction of the questions just propounded to you, about carpet-baggers being put in office?

Answer. Yes, sir.

Question. I would like to have you run your eye over a statement in a Tennessee paper, and see if you can verify its accuracy; or, if not, show wherein it is inaccurate.

[The statement is as follows:

"As to the carpet-bag members of the convention which framed the reconstruction constitution of Georgia, they were thirteen in number, while the whole membership of that body was one hundred and seventy-five, of whom thirty were colored men. Of these thirteen carpet-baggers, eleven were and are consistent members of Christian churches, and only two of the thirteen were given to profanity, intemperance, or the keeping of low company; the other eleven were recognized as good citizens, of unexceptional habits, and abilities in every case fair, and in several brilliant. These thirteen carpet-baggers numbered among them more total abstainers from the use of intoxicating drinks than did the entire remainder of the convention.

"The legislature of Georgia elected in 1868 has been sharply criticised as grossly corrupt. Of its two hundred and fourteen members but seven have become residents of the State since the war, and six of those seven 'carpet-baggers' are moral and religious men. Yet we have often heard it charged that this (as is alleged) corrupt legislature is controlled by 'carpet-baggers.' And the lobby by which the legislature is infested contains but one prominent carpet-bagger, and that one, sufficiently notorious, has never, so far as is known to the writer, voted the republican ticket, or in any way contributed to its success. Not one of the State officers (unless, indeed, we except the State superintendent of education, who is an appointee of the governor) is a carpet-bagger. Of the members of the Fortieth Congress elected in Georgia, two were carpet-baggers; both Christian men and doing honor to the churches with which they were connected by an upright life and a steadfast regard for the rights of others. In the Forty-first and Forty-second Congresses no carpet-bagger from Georgia held a

seat. As for county offices, not ten of them in the whole State are or have been filled by the class in question; and from the judiciary they are expressly excluded by the terms of the State constitution, which requires a residence of five years as a qualification for judges and State's attorneys or solicitors. I might add that carpet-baggers and negroes together have never numbered one-sixth of the legislature of Georgia."]

Answer. That is true; there is no doubt about that. I presume it is correct as to figures; or, if not so, it is very nearly correct.

Question. If not literally accurate, it is at least truthful?

Answer. Yes, sir; a large proportion of the civil officers of this State are natives.

Question. And yet the cry of carpet-bagger has been kept up from Chattanooga to the St. Mary's River?

Answer. Yes, sir; there has been a great deal of talk about carpet-baggers. I have always been called a carpet-bagger here.

Question. Let me see if I understand what you intended to say with respect to the pecuniary delinquency on the part of Turner; whether you mean to say that he gave as excuses and reasons for not paying you the money that you advanced to him such reasons as you were satisfied were not true?

Answer. Yes, sir, I do. I did not think so at the time, but I afterward ascertained that he had no foundation for his statements to me.

By Mr. BAYARD:

Question. You have heard complaints in this State of persons having been released from jail?

Answer. Yes, sir.

Question. The Daily New Era of yesterday contains a dispatch dated Louisville, November 4. It is to the following effect:

"LOUISVILLE, *November* 4.—Last night a mob collected about the jail in Jeffersonville, Indiana, with the intention of lynching a negro named John Washington, who attempted an outrage on a little white girl, and whose father died from excitement produced by the outrage. The prisoner was slipped out by the back way and conveyed to the State prison, and, on learning of which, the mob dispersed. This morning the prisoner was taken to the jail in Charleston, Indiana."

I wish to ask you whether or not the same illegal combination to rescue persons has not taken place in Georgia?

Answer. Yes, sir; I have heard of a great many.

Question. And has not that been adduced as a reason why the people of Georgia were not capable of governing their own affairs?

Answer. Not always on that account.

Question. I mean the illegal seizure of persons when in custody. Are you not aware that cases of that kind have been cited before us as proofs of lawlessness?

Answer. There have been many cases of that kind. I have not been present, but I have no doubt of it.

Question. They have been cited as proofs of lawlessness in Georgia?

Answer. That I could not state.

Question. You do not know that that has been the case before this committee.

Answer. I do not know what has transpired before this committee.

By the CHAIRMAN:

Question. In point of fact, I understand you to say that there have been a great many persons rescued from jail and set at large by disguised bands?

Answer. So I have reason to believe.

Question. And a great many others have been taken from jail and put to death?

Answer. I have no doubt of it.

Question. Have you ever known of an instance where an attempt was made by disguised parties to take a person from jail and visit upon him unlawful violence, that he was taken from them, either by the back way or any other way, and conveyed away to a place of safety by the authorities?

Answer. No, sir; I do not know personally of anything of the kind. Of my own knowledge, I know of no one case where a man was taken out of jail. I know of one man who was killed in jail, who had his throat cut by a party of men.

Question. Where was that?

Answer. Down in Dawson County.

Question. What was his name?

Answer. I do not know his name.

Question. Was he a colored man or a white man?

Answer. I think he was a white man.

Question. Do you know what his offense was alleged to be?

Answer. He was a young man who had had a difficulty with another man, and the other man whipped him very severely; jumped upon his stomach and his privates, and, in fact, ruined the young man. He lay in bed there several months, and then the first

time he got a chance he shot the man. He was put in jail, and the next night the jail was broken open and his throat was cut, while he was chained to the floor, I believe.

By Mr. BAYARD:

Question. How long ago was that?

Answer. A year and a half ago, I reckon.

By the CHAIRMAN:

Question. When did that occurrence happen of whipping a man upon his stomach until his entrails protruded?

Answer. While I was agent of the Bureau.

Question. What had that man been doing that he should be so treated?

Answer. I could not find out that he had been doing anything that should call for a whipping?

Question. Was that by disguised men?

Answer. Yes, sir.

Question. What was he charged with?

Answer. Not anything. I think it was a mere wanton attack upon him. He was a colored preacher. There was in Schley County, for some time, a class of men who feared nothing, who just run riot. I made a written appeal to the judge of the county, one of the prominent citizens, to protect the people there. I arrested a large number of them under the civil-rights bill, and bound them over to the courts. That finally stopped them. Then I organized a stampede among the colored people of the county at that time, and they very soon had to get them back again in order to have their labor done, and things have been very quiet there since.

By the CHAIRMAN:

Question. Were any of those people punished by the civil authorities that you arrested?

Answer. No, sir; I do not think they ever came to trial. I do not think Judge Erskine ever tried them.

Question. You were asked if a certain thing happened when this State was under martial law. Has this State been under martial law since martial law was ended by proclamation of President Johnson?

Answer. I do not recollect the date; General Meade was in charge here for a long time. When Governor Johnson was removed, the civil courts had full power, but at the same time they were subject to military review. The State was not under martial law, by any means.

Question. Do you make a distinction between martial law and the administration of civil law by the military authority?

Answer. The general commanding allowed all the civil courts to go on; it was only in extreme and very bad cases reported to him that he took any action. If there was anything of that kind, I do not know whether you would call it martial law or not.

Question. Would it not properly be called the administration of civil law by military authority?

Answer. It might be that, but it was not even so much as that, because all the civil courts had full sway, except in some very rare cases.

Question. You were in the Army during the war?

Answer. Yes, sir.

Question. What was your rank?

Answer. I entered the Army as a private, and was promoted to be lieutenant.

By Mr. BAYARD:

Question. In the course of your duty here as collector of internal revenue have you met with resistance to your processes?

Answer. Only in one instance was there any threat or interference with my duties.

Question. What was that about—distilled spirits?

Answer. No, sir; a man refused to pay a tax, and I levied upon his property; he made some threats, but did not do anything.

Question. Did he consider the tax irregular?

Answer. No, sir; he said he would not pay it.

Question. That was the only case you had?

Answer. Yes, sir.

Question. You have had your deputies scattered throughout the State?

Answer. Yes, sir.

Question. Have they performed their duties without molestation?

Answer. Yes, sir; there was very little distilling of spirits in the portion of the State where I was—in the southern part of the State.

Question. A disposition to obey the law was generally manifested to you and your subordinates?

Answer. I never had any difficulty at all.

Question. Do you know of any organization in the State of Georgia inimical to the Government of the United States; any organization or organized sentiment?

Answer. No, sir, I do not know any organized sentiment, anything like an organization. A great many individuals express opinions that are very inimical.

Question. Have you yourself ever seen any of these mysterious bodies of men called Ku-Klux?

Answer. No, sir; I have never seen them.

By the CHAIRMAN:

Question. Please state, if you will, whether, in your opinion, there is and has been a secret organization in the State which, in popular phrase, is called Ku-Klux?

Answer. I thought there was about three or four years ago. I think there was an organization established then, whether it extended over the State or not I do not know. I was quite confident that there was a secret organization some three years ago in some of the southern counties, but not in the counties where I was very well acquainted; but I could not prove that.

Question. You have not seen any of these manifestations that are said to have been committed by numbers of the men going about in disguise?

Answer. No, sir.

Question. Of course you neither belonged to any such organization nor have been requested to join one?

Answer. No, sir.

Question. Have you ever known any man of your politics or nativity that you supposed did belong to it?

Answer. No, sir.

By Mr. BAYARD:

Question. Did you ever know of anybody else who belonged to it?

Answer. No, sir; I never knew positively of anybody else who belonged to it.

Question. You think there was an organization three years ago?

Answer. Yes, sir.

Question. There were a great many in the county of Schley who clubbed together and committed terrible outrages?

Answer. Yes, sir; whether they extended all over the State or not I do not know. Of course I was not in their secrets.

Question. Do you believe these things have passed away at the present time?

Answer. I could not say, because since that time I have been in the large towns, where, of course, nothing of that kind occurs. Macon is a very quiet town indeed, a very well governed town.

Question. You have no further knowledge or information on the subject?

Answer. No, sir.

ATLANTA, GEORGIA, *November* 6, 1871.

WESLEY SHROPSHIRE sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now reside, and what is your present occupation?

Answer. I am seventy-one years old; I was born in Oglethorpe County, and I now reside in Chattooga County; I am a farmer and planter.

Question. How long have you lived in Chattooga?

Answer. For twenty-five years.

Question. Have you been connected in any way with the public affairs of that county?

Answer. I have been senator from that county for four years; sheriff of that county, and for many years I was judge of that county, for nearly all the time that I have been in the county.

Question. Were you ever a member of the lower house of the legislature or of any other public body?

Answer. I was a member of the representative branch of the legislature from Floyd County for two or three years, thirty years ago.

Question. Have you held any other official position?

Answer. I was sheriff of Floyd County for four years, I believe.

Question. Have you been in any of the conventions in this State?

Answer. Yes, sir; I was in the secession convention, and also in the recent constitutional convention of the State of Georgia.

Question. Did you help frame the present constitution of this State?

Answer. I did the best I could.

Question. Allow me to ask you whether you favored the action of the secession convention, as you call it, or whether you opposed it.

Answer. I opposed it with all the power I had, in act and word.

Question. What were your political associations before the war?

Answer. I was what we called a Jackson democrat in this country; I was a Union man all the time, opposed to Mr. Calhoun and all his nullification doctrines.

Question. What sort of times have you had in Chattooga since the war, and especially for the last two or three years?

Answer. Well, we have had a pretty turbulent time; during the war and since the war there has been a great deal of disturbance one way or the other.

Question. Have you had any people there that are commonly called Ku-Klux?

Answer. Yes, sir; they have been on my premises three or four times.

Question. Go on and tell us what they have done.

Answer. The first time they came there, I could only tell from what the negroes said. I never saw those men in their uniforms in my life; I have no doubt I have seen numbers of them, and talked with them. They came there and told the negroes that there was an old radical on the plantation that they wanted to see; that the negroes had to vote with the democratic party; that they were the friends of the negroes, and the negroes must be their friends, and if they would do that they would protect them, but if they did not they would punish them as they thought proper; that is what the negroes told me the next morning. The next time they came there, there had been a little school-house put up by the negroes on my place for the purpose of educating the children on the place, and carried on by a negro on the premises. About the time it was finished, these men came there and said that they controlled the country; that I had no control over my land; that they would have school-houses put up when and where they pleased; that is what the negroes said. They said that they intended to whip the leader of the school, and they gave him, he said, fifty licks; he was right smartly cut the next day. He said they were about thirty in number; there were a great many horse-tracks there. They left a notice in pencil for me, in about these words: "Mr. Shropshire, stop this school-house; if you don't, we will be along in a few nights and give you a hundred licks and burn the house." I think those were about the exact words. I sent the notice to Governor Bullock.

Question. Was there any signature to it?

Answer. There were three capital K's signed to it. The negroes then desisted from building the school-house, stopped it. They had a church not far off, on my land, which I had given them, and they established a school in that building. About 10 o'clock one night, after they had commenced the school under the direction of the State school officers, the house was burned. They built a new house then, and are teaching in it now. That is the last disturbance I know of.

Question. Do you know by whom that house was was burned?

Answer. I did not, and I do not know anything about it; I think I could guess.

Question. Was it burned by a secret incendiary or did a company of men go there?

Answer. It was burned nobody knows how. The first thing they knew it was on fire, about 11 o'clock; it must have been set on fire. The neighborhood sort of excuse the thing, and say they suppose some of the negroes burned it because there was some little difficulty as to where the school should be. I never heard of any difficulty until the school-house was burned, and the negroes say that there was no such thing.

Question. That is the manner in which it is excused?

Answer. Yes, sir; by some white people.

Question. How many were there of those people in the band that whipped the negro teacher?

Answer. The negro says there were about thirty; there were a great many horse-tracks.

Question. Sufficient to indicate the presence of that number of men?

Answer. I think so.

Question. Was there ever more than one whipped on your place?

Answer. Yes, sir; two, and one of them was whipped twice.

Question. At the same time?

Answer. No, sir; the last time they were there, they whipped one that had been whipped before.

Question. What did they whip the other one for?

Answer. They said he had told a lie about a gun; they said they were in the moon and saw him hide a gun. A boy before that had found a gun in the road, and a man came along and asked about it, and they said that he denied it at first, but afterward told him. The excuse of the boy was, that he was afraid he would punish him, but as soon as he found out that the man owned it, he told him where it was. The negro says they whipped him for that.

Question. Who were those men who came along and said they were the negroes' best friends?

Answer. I do not know who they were; they came in disguise.

Question. For what reason did they claim to be the best friends of the negro?

Answer. The negro never gave any reason; he just told me what I have said.

Question. Allow me to ask what were your relations to the negro race before the war; how were you connected with them?

Answer. I owned eighty-four negroes on my place; I had raised a great many of them, and bought the balance.

Question. Were those negroes they whipped some of those your family had owned?

Answer. Yes, sir.

Question. Are they still on your place?

Answer. Yes, sir.

Question. I have asked you as to your political sentiments before the war; I did not ask you what were your sentiments since the war. Have you been acting with the democratic party since the war?

Answer. I have been; I am a democrat, but I am not one of these fighting democrats. If we cannot beat them at voting we cannot beat them at shooting. I voted for General Grant, and I have not voted any other way.

Question. What is the extent of your plantation?

Answer. I have a pretty large plantation, about 700 acres of cleared land, and I formerly had about 1,100 acres in wood. I have given some of it to one of my sons-in-law; I have now about 600 acres of cleared land, and 700 or 800 acres of other land. I had 1,840 acres at the start, in one body; I have now more than 1,400 acres; I had other lands, some 1,400 acres in Alabama, and a thousand acres a mile or two off from me.

Question. I did not design to ask you to expose your wealth or poverty, or anything of that kind; I had another point in view, which was, whether this school-house which they had made the negroes stop building was upon your land?

Answer. Yes, sir.

Question. Was it so situated that it would be a nuisance to your neighbors?

Answer. No, sir; it was in the woods; it was not near so much annoyance as their families would have been, for they are peaceable negroes any way.

Question. What reason can you give why they should have wanted to interfere? I understand that this school was for the children of the people on your place; that it was on your land, and that one of your own negroes, or a negro you had raised, was to teach it?

Answer. Yes, sir.

Question. What reason do you suppose operated upon those people to try and break it up and do what you have described?

Answer. I can give no reason more than this: the people in the neighborhood were generally opposed to educating the negroes; they so stated publicly. They had a little examination there in the academy, and they had a dialogue spoken there that contained the idea that it was unfair for the white people to educate the negroes.

Question. Where was that exhibition?

Answer. It was on my land, in an academy that I allowed the white people to build there shortly after the war; there is a fine school there now.

Question. A white school?

Answer. Yes, sir. I was chairman of the trustees of that school, and am now.

Question. They had that dialogue in one of the exhibitions there?

Answer. Yes, sir; they had one come out who represented himself to be a lawyer, a professional man; then one came in who represented himself to be a farmer in the neighborhood. A conversation was entered into between the lawyer and the farmer, in which the farmer made all the argument, and the lawyer sat there, and finally yielded, only saying, "You are opposed to the poor negro anyhow."

Question. The farmer was opposed to educating the negro?

Answer. Yes, sir; showing how much tax he paid, and how much the lawyer paid, and how much the negro paid, and all that thing. That dialogue was published in the Rome Courier.

Question. Who wrote that dialogue?

Answer. It was said to have been written by John F. Martin and the teacher, Mr. Cottrell; I suppose it was written by them. It was sent to the press, and that was what was said in the neighborhood.

Question. Who is Mr. Martin?

Answer. A farmer in the neighborhood there. He is very much opposed to educating the negro, I should suppose, from what I have heard him say.

Question. Have there been any other whippings in your neighborhood, or any mischief of that character, by disguised men?

Answer. Well, it has been stated, and there is no doubt about the fact, because it is right in the neighborhood, that a man and his step-son and his wife were whipped; a gentleman near by was whipped the same night by five or six men in disguise. That was about three or four weeks ago.

Question. How many disguised people were there?

Answer. The man said there were six.

Question. Who was the man?

Answer. The man who got the worst whipping was named Moore.

Question. What was the reason they gave for this conduct?

Answer. The reason for that was that this man Bailey, who had the whipping done, had given bond to keep the peace, and after he had given that bond he fell out with Moore, and drew his pistol upon him, and Moore threatened to have him indicted for drawing his pistol. He agreed to give Moore a hundred dollars if he would not go to court; the court was to be in session next week. Moore received the money and staid at home. The next day these men came and whipped him and made him refund the money. Moore had spent all of the money but $2 80, and that was what it was said he was whipped for. Moore had them arrested in a few days, and a justice of the peace held court for the trial. They were not ready for trial, and the justice took a bond from Bailey for $200 for his appearance on the Monday. Five of these young men, one of them Bailey's son, I understand, ran away, and Bailey paid up a hundred dollars, and the thing stopped there; that is the way the thing stands. I have heard divers men say that; I have seen Mr. Moore, who was whipped. He showed his back to a great many men; one of my neighbors, who examined him, said he was one of the worst whipped men he ever saw.

Question. You say a man and his wife and his step-son were whipped; who were they?

Answer. His name was Hepsonstall.

Question. Where did he live?

Answer. He lived about two miles and a half from me.

Question. When was that?

Answer. It was the same night, three or four weeks ago.

Question. What had they against him?

Answer. Bailey's son had married a girl in the neighborhood, and they had parted; he married her a year or two ago. Bailey was suing for a divorce, and this Mrs. Hepsonstall lived rather in the neighborhood, and Bailey would send for this woman that he had married to meet him at the house of Hepsonstall. It got out that they were meeting there while the suit was going on, and Hepsonstall was subpœnaed to go to court and testify as to what Bailey was doing. That is what it was said they whipped him for; they did not whip Hepsonstall much. Her child, which she had by another husband, was whipped, and the mother was whipped.

Question. Did they whip her severely?

Answer. It was said they whipped her pretty severely.

Question. Do you understand in what way they whipped her?

Answer. With switches, I believe, or a strap of leather; a strap of leather, I think.

Question. Upon the naked back?

Answer. That is what she said.

Question. Has there been any person punished for these various misdeeds you have spoken of?

Answer. None of those I have spoken of.

Question. How does it happen that such things can be done and nobody be brought to trial and punishment?

Answer. Well, sir, it is very easily accounted for. There have been within the last two years, perhaps, a hundred men sent for from different parts of the country—men suspected of being leaders in this matter. They have been sent for by the grand jury and asked if they knew anything of the organization, and they said they did not. Some of the members of the grand jury, perhaps, were members of it. The judge would punish them if he had a chance, but he cannot get the testimony; you do not know who they are.

Question. Somebody must know.

Answer. Yes.

Question. And somebody besides the parties themselves.

Answer. O, yes, sir; I have no doubt about that.

Question. The parties themselves would not be very likely to testify, probably; but why do not other people who do not believe in the concern come forward and testify about it?

Answer. I cannot tell why they do not do it; they do not do it, but I cannot tell the reason. At least it has not been done in our county.

Question. Is there any feeling of timidity or apprehension on the part of the people there?

Answer. Yes, sir. I would not like to get up there and state what I state here now; I would be afraid to do it; for the least pretext a man would get a whipping, perhaps.

Question. What do you understand to have been the reason for forming such an organization of men?

Answer. Well, sir, from what I have heard dropped out along occasionally, rather

incidentally, from persons, I think the object was to carry the elections and to intimidate voters. I do not think the idea was to punish men so much, but merely to intimidate people. Those that could not be intimidated they determined to force into it; I think the object was to carry the elections. When the elections were first held the republicans were rather ahead; they have been abused so much now that they have been dropping off until they are almost all in the democratic party. My judgment is that since the democrats have triumphed throughout the State the more respectable portion of the Klan want to stop it; but they have some fellows in there that they cannot control so well; that is my opinion.

Question. What has been the number of votes polled in your county in the several elections since the war?

Answer. From about 300 to 700.

Question. What number of votes would there be in the county if all went to the polls?

Answer. Between 1,300 and 1,400; we registered thirteen hundred and odd voters there in 1868. Last year I took the census there, and I think there were over 1,300 voters.

Question. So that little more than half of the voters have ever gone to the polls since the war?

Answer. Yes, sir; and never half have voted until this last time.

Question. Why have men failed to use that high political right, the right of suffrage?

Answer. I have asked them why they do not vote, and a great many of them have told me that they could not vote, in the first place, as they want to vote; that they would be afraid to vote for republicans. A great many men are poor men who are renters. A man may have twelve or fifteen renters on his plantation, white men, and he would not like to have them vote against his interest, as he calls it, and so they stay at home.

Question. You are well acquainted with the people of your county?

Answer. I think so, as well as any man in it.

Question. Suppose there was to be a fair election held there in which all the people were able to go to the polls and vote their real sentiments, in your opinion, would there be a republican or democratic majority in that country?

Answer. In my opinion, if the people could go to the polls and vote untrammeled, General Grant would have received before a majority, and would again, over anybody; that is my opinion.

By Mr. BAYARD:

Question. What was the date of the first visit of these people when they inquired about "the old radical?"

Answer. Last February.

Question. Of this present year?

Answer. Yes, sir.

Question. How near to this large academy was that school-house erected?

Answer. Some distance off, perhaps a half a mile.

Question. The first one that was destroyed?

Answer. Yes, sir.

Question. It was distant from the academy?

Answer. Yes, sir; out of sight and hearing of the other entirely, and the church was a mile off.

By the CHAIRMAN:

Question. Which was the farthest off, the one they burned or the one they made them stop building?

Answer. The one they burned.

By Mr. BAYARD:

Question. How far away was the one that they were building?

Answer. Between a quarter and a half a mile; it was entirely out of sight and hearing, over the hill, in the woods.

ATLANTA, GEORGIA, *November* 6, 1871.

Lieutenant J. H. TODD sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will commence his examination.

By Mr. BAYARD:

Question. What is your rank in the United States Army?

Answer. I am a second lieutenant in the Eighteenth United States Infantry.

Question. How long have you been stationed in Georgia?

Answer. Since April, 1869.

Question. During that time have you visited different portions of the State in the performance of your duties?

Answer. I have.

Question. What parts of the State have you visited?

Answer. From June, 1869, until June, 1870, I was stationed in Warrenton. I was then detached from that station for two months at Washington, Georgia, and during the remainder of the time I have been stationed here.

Question. During those two years and six months have you been at different times detailed for special duty in different parts of the State?

Answer. I have.

Question. The object of this committee is to ascertain the condition of this community, and how far peace and order and security for person and property prevail in its midst. I would like to have from you, without any suggestion from me, your experience on that subject. In the course of your duties have you ever met with any attempted resistance whatever to your orders?

Answer. None whatever.

Question. Have you known yourself of any great degree of lawlessness within this State?

Answer. Not of my personal knowledge, only from hearsay.

Question. There has been evidence before us as to the existence in this State of certain predatory bands of men sometimes making excursions at night in disguise. Have you ever met with any of those people and seen them?

Answer. I have not.

Question. So far as you have observed the people of Georgia, have you found any disposition inimical to the Government, or any acts hostile to its laws?

Answer. I have seen some parties in one or two localities who certainly were bitter toward the Government, and were very apt to express themselves in that way.

Question. What were those men?

Answer. The men themselves I knew nothing about, only just from meeting them casually in the streets.

Question. What class of men?

Answer. The common yeomanry of the country, apparently.

Question. Were they intoxicated men, or anything of that kind?

Answer. Sometimes they were intoxicated, but at other times they were not apparently under the influence of liquor.

Question. How frequent have these cases been?

Answer. I could not say positively, but on several occasions.

Question. How long ago?

Answer. During the year 1869.

Question. You have heard nothing of the kind since that?

Answer. No, sir; I have been stationed in the cities since then, and I have heard of nothing of the kind in the cities.

Question. So far as you have observed the people of Georgia, do you think there is a cordial acquiescence in the condition of things here?

Answer. I cannot state positively, because for the last year I have been in Atlanta; have been confined principally to the barracks here, and have not come in contact with the people here much. I have had no way of judging of the feeling of the people of Georgia, except through the public press.

Question. I believe General Terry was in command here up to the 1st of January of the present year, was he not?

Answer. Yes, sir; about that time.

Question. This is now in his department?

Answer. Yes, sir.

Question. During the course of your residence in this State have you found any number of people who were disposed to use the military forces of the United States Government, or to hold them in threat over their fellow-citizens, threatening them with the application of military force here, with arrest by military force, and things of that kind?

Answer. I have heard several parties do that; I do not know that I have heard any in authority say it, except one or two persons. I have heard others make such threats.

Question. Were you ever detailed upon the application of the sheriff of Warren County to assist him in making certain arrests in that county?

Answer. I was ordered by my commanding officer, upon his application, to command a guard to go with him on one or two different occasions.

Question. Who was that sheriff?

Answer. His name was Norris; I have forgotten what his first name was.

Question. Is he commonly known in the country as Chap Norris?

Answer. Yes, sir.

Question. State to the committee the character of the services you performed in aid of his authority.

Answer. It was simply to protect his person while making certain arrests that he claimed to have, and did have, warrants for in some cases. The first time I went out with him was the night I arrived in Warren County. I was sent over to protect his house and protect him from violence. During the night he wished to make some arrests and I went with him. He made some five or six arrests during that night, between 10 o'clock and daylight.

Question. With what were those parties charged?

Answer. I never saw the warrants, but I know what he told me, and what other parties said. Some were charged with being implicated in the murder of Doctor Darden, and others in an attempt to assassinate Norris.

Question. Did you see any violence at all offered to him during those occasions?

Answer. No, sir.

Question. Were the arrests made without any attempted resistance at all?

Answer. There was no resistance at all, so far as my observation went.

Question. So far as you could judge, was there any necessity of your being present; so far as you could judge from what you saw?

Answer. Not from what I saw on those occasions.

Question. Where were those men put when arrested?

Answer. They were put in the county jail.

Question. Were they ever imprisoned in the military camp?

Answer. None of those persons were.

Question. Were any persons ever taken and carried to the military camp under any process he had?

Answer. Not under any process that he ever had that I can remember at present. There were parties arrested by myself without the sheriff or anybody else, upon an order from the sub-district commander, Major Kline.

Question. What was the charge against them?

Answer. This man Norris had been arrested for taking bribes from those parties, and the object was to secure them as witnesses.

Question. Norris had taken bribes from those parties, and the parties whom you took into camp were to be witnesses against him?

Answer. Yes, sir; bonds were given by them to appear as witnesses before any court before which this man might appear for trial.

Question. Those arrests were made by order of your superior officer?

Answer. Yes, sir; they were mostly temporary arrests.

Question. Was Norris ever arrested by order of General Terry?

Answer. It came from General Terry, I think.

Question. What was the charge against him?

Answer. For accepting bribes while sheriff of Warren County.

Question. Were you credibly informed, did you understand, that Norris had been using the name of the military to levy money from persons in that district?

Answer. I heard the parties themselves say he had done that.

Question. Did he charge the military officers with being in complicity with him in that matter?

Answer. Yes, sir.

Question. That led to his arrest?

Answer. Not his charge upon the military at all. I was riding one day with a friend of the United States, a very prominent Union man there, whom we saw a great deal of. In the conversation with him I ascertained that he and Norris had had a falling out. He exposed this bribery of Norris, and told me certain things. We had heard these reports going around among what we called the rebel element, that Norris had received bribes; but nobody ever made any charge at all, and we paid no attention to it. But what I heard from this man, together with what we knew ourselves, satisfied me of the correctness of the charge, and I reported the matter to the commanding officer. Major Kline ordered these men to be sent for, and on their evidence Norris was arrested, and I was sent to arrest him.

Question. What did you find to be Norris's character in that community among the most respectable citizens in it?

Answer. Everybody there seemed to think that he was a rascal; but my impression was, and the impression of all the officers there was, that it was because he was inclined to be in favor of the Government; I think everybody was satisfied of that.

Question. Satisfied of what?

Answer. Satisfied that he was intending to do his duty faithfully, and that he was a man truly friendly not only to the administration, but to the Government.

Question. When you discovered these acts of his, was it your conviction that he was dishonest in his office, and was using the military force for his private uses?

Answer. I was satisfied of it from the evidence which they gave and from his admissions.

Question. That he had taken money?

Answer. I saw the notes and took them from him at the time he was arrested.

Question. Do you not believe, and did you not find, that the feeling of that community toward the Government of the United States was a great deal exasperated when they believed that a man of that character could use the military arm to arrest them and to interfere with them in their homes? Did it not have this effect, that the military aid given to a man like him made people around the neighborhood discontented?

Answer. I have never formed an opinion in regard to that. That may have been their idea.

Question. Would you not think it would naturally affect them if they believed a man of low character in office there was apparently so supplied with the aid of the military at his own discretion to make arrests; would it not produce a feeling against those who acted with him?

Answer. I should think it would.

Question. Would it not tend to alienate the people of the county from the uniform of her soldiers?

Answer. O, no doubt it had that effect in that county.

Question. Did you, as a United States officer, ever meet with any personal unkindness from the citizens of that county?

Answer. No, sir.

Question. On the contrary, did you not meet with personal civility and courtesy?

Answer. So far as I have been concerned I have always been treated with the utmost kindness in this State.

Question. Are you aware of any organized body or any organized sentiment inimical to the Constitution and laws of the United States, and to the Government of the United States?

Answer. As to personal knowledge I cannot say; my belief would be another thing.

Question. Have you any knowledge of such a feeling existing?

Answer. I have no personal knowledge of it.

Question. Have you any knowledge of facts upon which to base an opinion? State such facts as you have.

Answer. No facts known to me, no facts that would make it certain, though I do honestly believe that there is such an organization. I have had reports from very reliable persons to that effect. For instance, on one occasion a negro man came into camp who had been very badly whipped, and said that he had been whipped by a body of men that he called Ku-Klux. I know one or two instances of that kind. Those are things that satisfy me that there was such an organization; but as to ever seeing anything of the kind, or knowing the parties, I have no knowledge of them.

Question. Were those two cases the only cases reported to you?

Answer. They were not reported to me, but to the commanding officer; I saw the negroes.

Question. Give the dates and places where those things occurred.

Answer. In one instance a negro was whipped within about three miles of our camp, on the place of a Mr. Battle, the same man who on one occasion exposed Norris to me.

Question. In what year was that?

Answer. It was in the summer or fall of 1869.

Question. How long after that was the other case?

Answer. It was near about the same time.

Question. Those were the only two cases of personal outrages that came to your knowledge?

Answer. The only cases that were reported and that I knew were reported. At Mr. Battle's suggestion I sent and removed the negro from his place.

Question. You have his account alone of the manner of the injury?

Answer. Yes, sir; he had no doubt been badly whipped by some one. I have heard of other reports through the country; some of them I placed credence in, that came from parties I had confidence in. Such facts as those have satisfied me that there was such an organization.

Question. In your experience in this State are you cognizant of any systematic act of oppression toward the colored people by their former masters, or do you find the general rule to be that of humanity and good-will?

Answer. I have never found any general feeling against them, and I never have heard any particular feeling expressed in favor of them.

Question. Do you believe they can peaceably and regularly pursue their avocations through the country?

Answer. I think that in many sections they can; but there are sections where they have met with trouble. They plant crops on shares, and sometimes will be run off and obliged to leave their crops behind. They would frequently apply to us to help them to get their crops.

Question. Were you ever detailed to examine those cases?
Answer. No, sir.
Question. Did you know the facts?
Answer. No, sir.
Question. Did you know that in those cases the employers were obliged to advance orders on dry-goods stores to furnish materials to them, so that when the end of the season came the laboring men were really in debt beyond their shares of their crops?
Answer. I have never investigated this thing at all; I only know it from rumor.
Question. Have you stated to us your general knowledge of the condition of the State; does what you have stated comprise all you know?
Answer. I think it does on that point.

By the CHAIRMAN:

Question. We have been told by witnesses that prior to the time you went down there with Norris to assist in making some arrests upon warrants that he held he himself had been personally attacked and shot. Do you know anything in regard to that?
Answer. Only from hearsay.
Question. Have you seen the marks of the wounds on his person?
Answer. Yes, sir.
Question. Did you ever hear of parties implicated in that attack on him?
Answer. I have seen and heard who the parties were.
Question. It has been said that from those parties, or some of them, he took a note to cover the damages that he had sustained by reason of that treatment, and that upon that note sundry payments were made; and we have been told that upon that transaction was based the charge of bribery. Do you know anything about that transaction or about any such transaction?
Answer. Yes, sir, I know of the transaction; I have seen the note; I took the note from him when I arrested him. I heard the evidence given by the parties who gave the note, and on that evidence Norris was arrested.
Question. Do you know of any other case in which he was charged with bribery?
Answer. My remembrance is that there were one or two other similar cases, though I am not positive about it.
Question. Do you recollect enough about it to be able to tell us the names of the parties, or the amounts of the notes, or anything of the kind?
Answer. No, sir.
Question. This transaction I have spoken of was the one upon which he was arrested, and the one upon which he was held over by Major Kline?
Answer. Yes, sir; the note I saw, according to my remembrance of it, was "for value received."
Question. It was drawn in the ordinary form?
Answer. It did not state what the amount was paid him for, whether for damages done him or what else.
Question. Did you retain the note?
Answer. The notes and all the other papers taken from him were sealed up and turned over to the sub-district commander, who afterwards turned them over to his lawyer, Mr. Stevens, of this city.
Question. Do you know whether any action was taken by the civil authorities?
Answer. Yes, sir.
Question. What was done?
Answer. I myself swore out a warrant against him before a commissioner or justice of the peace here, at the instance of his lawyer, and this warrant was served on him as he was placed in the barracks when I brought him up here. On that warrant he was taken from the possession of the commander here and was released. I knew he was released, and understood that it was upon bail.
Question. To appear before the superior court in Warren County?
Answer. I do not know the conditions of his release; I saw him on the street afterward.
Question. He has been going at large ever since?
Answer. So far as I know he has been.
Question. Did you ever make any arrest of anybody at his instance?
Answer. I have never done it; I have been with him when he arrested several parties.
Question. Were those parties persons for whom he had warrants?
Answer. He said he had warrants; I knew nothing about it at the time.
Question. Did you ever hear the fact of his having warrants called in question?
Answer. Yes, sir; I have heard it called in question, but afterwards he produced warrants that he had for the arrest of those parties.
Question. You are satisfied he had warrants?

Answer. It did not make any difference to me at the time; my orders were to protect him. He had those warrants, as he afterward showed before the court when the writ of *habeas corpus* was sworn out.

Question. He was served with a writ of *habeas corpus* to show cause why he held the persons in custody?

Answer. Yes, sir.

Question. How long have you been in this State?

Answer. Since April, 1869—about two years and a half.

Question. Where did you come from when you came to this State?

Answer. From the Plains, from Dakotah and Montana.

Question. Have you been at any other point except here at the barracks and in Washington County and Warren County?

Answer. I was at the town of Washington, in Wilkes County; I was at Milledgeville at a municipal election at one time for a few days?

Question. When was that?

Answer. Last December; about the 6th, I think.

Question. What state of things did you find at Milledgeville?

Answer. I got there after the election. We were applied for by the sheriff, but did not get our orders in time. We started as soon as we got the orders, and arrived there the night after the election; there was no difficulty there.

Question. You were satisfied that a fair election was held?

Answer. From what I heard, everybody seemed to be satisfied.

Question. What state of feeling did you find in Wilkes County?

Answer. I mixed very little with people in Wilkes County, except one or two families who were personal friends of my family. I heard of no outrages committed there at all.

Question. Are you a Georgian?

Answer. No, sir.

Question. What state of feeling did you find in Warren County?

Answer. So far as I was personally concerned, I was always treated by every one with the greatest kindness. There were some demonstrations made at different times against the soldiers of the command.

Question. You could tell whether the people were friendly and kind in their feelings toward the Government and toward those who supported it, or the reverse?

Answer. I do not think they were friendly to the Government by any means; that is, the general class of them. Some intelligent people were in favor of having everything go on smoothly, of complying with the laws. The people of Warren County, as a class, are very ignorant; there are some exceptions.

Question. Did you find that bands of disguised men had been committing various depredations in that county?

Answer. Not while we were there.

Question. Previous to that time?

Answer. Yes, sir; we heard of it.

Question. How long after Mr. Adkins was killed did you go there?

Answer. Very soon after; I think that was the cause of our going down there. If I remember correctly, that occurred in March, and the first of the command went down early in May, and my command went down on the 7th of June.

Question. You went down there because of the killing of Senator Adkins?

Answer. That seemed to be the impression among the officers; I do not know that any of them ever had any definite information on that point.

Question. Did you know about the taking of some negroes from a train at Dearing and putting them to death?

Answer. I heard of it from different parties; there is no doubt but what the thing occurred.

Question. Have you ever heard of their killing a negro and burning his body?

Answer. I do not remember that I ever heard that; I may have heard of it at the time. I heard of the railroad outrage down about Dearing; I was down at Dearing with a detachment with Norris, and I believe he pointed out the well in which he said those negroes had been thrown.

Question. Did you ever go out with Norris to make any arrests excepting upon the warrants you have spoken of?

Answer. Yes, sir.

Question. When?

Answer. In the winter of 1869-'70 I went with him to Dearing to make some arrests of parties that he charged with murdering Mr. Adkins.

Question. Was that before or after this charge against him of bribery?

Answer. It was before.

Question. At what time was the charge of bribery made against him?

Answer. About the latter part of April or the first of May.

Question. In what year?

Answer. In 1870.

Question. Did you arrest any of those parties that were charged with murdering the negroes at Dearing?

Answer. No, sir. There were three or four houses searched; I never went in, and did not let any of my men go in. I was there only to protect Norris. The next day I came up, and was informed that one of the parties that he wished to arrest was in one of the houses that he had entered. I was not told that he had seen him at all. At least, one of the parties said he was there; whether he was or not I do not know.

Question. That is, one of the parties charged with killing the negroes said he was in a house that Norris went into?

Answer. In one of the houses.

Question. How came he to speak to you of it?

Answer. He told it to a gentleman from Warren who was attending court at Appling; and the members of the bar were going over there on the train I came in.

Question. How came he to speak to you of it?

Answer. He said he heard that I was down there the night before.

Question. Did he say that he had concealed himself so that Norris could not find him?

Answer. He did not give any intimation about that; he only said he was in one of the houses that Norris had visited.

Question. Suppose you had been shot and injured as much as Norris has been, would you have regarded $5,000 as a commensurate compensation?

Answer. No, sir; I would not have considered it a compensation at all; I would not have looked at it in that view at all.

By Mr. SCOFIELD:

Question. I do not know that I understand about this matter of bribery. If I understand correctly, this thing that you call a bribe taken by Mr. Norris was a note that he took from the men who shot him, to compromise their assaults upon him.

Answer. The note was not taken from the men that he claimed shot him; it was taken from entirely different parties.

Question. Well, perhaps more responsible parties?

Answer. More responsible parties.

Question. The note was taken as compensation to him for the injury done him?

Answer. The note did not state that.

Question. I know it did not state that; you have said that once before; and you have said the note was a bribe?

Answer. Yes, sir.

Question. I want to know what you call a bribe. I understand that these men gave him this note as compensation for the injury done him, and that, in my understanding of the law, is no bribe at all, but a settlement of a personal claim which he may have had against them.

Answer. That is not my understanding of it; on the contrary, I know it is otherwise.

Question. Tell us what it was; I want to know the truth.

Answer. Before Norris was arrested we summoned those parties who gave these notes; they came up, and I was present during the investigation before Major Kline. Those parties gave their testimony, saying they gave the note provided Norris would leave the country and stop the prosecution of those men against whom he had warrants.

Question. For the assault on him?

Answer. For anything that he had warrants against them for. He had a black list, I forget how many names, probably over a hundred, that he told them that he was going to arrest; and these different parties got up this purse for him, with the understanding that he would leave the country and not execute the warrants. That was the evidence of the parties who gave the notes. On the strength of that evidence Mr. Norris was arrested, and after the evidence was submitted to General Terry, he directed that he should be sent up here. That is why I form my opinion, and know it was bribery.

Question. Did not Norris claim that the note was given to him to keep him from prosecuting the men who had assaulted him?

Answer. Not at that time.

Question. Did he make any claim at all?

Answer. He denied at first having taken any notes at all, but these parties told me themselves voluntarily. As soon as we found that Norris denied it we brought them up, and they brought the whole party in. They were all very much alarmed and hesitated a great deal about giving their evidence, fearing it would get them into trouble. He would come to camp on a visit to us, and would go down to the rear of the camp, ostensibly to answer a call of nature. But he had made a previous arrangement with these people, told them that the guns of the camp were bearing upon them, and that

if they did not agree to what he wanted they would be killed. He was selling out to those men we were going out to arrest night after night; we thought he was doing it all the time. He claimed afterward that some of the officers there had taken bigger bribes than he had. The sub-district commander, I believe, was about the only one he charged at the time. The commander called all the witnesses, and has now in his possession the affidavits of the parties to the effect that they never made any such statement. Probably, Major Kline could tell more about that business than any other officer, because he had better opportunities. He heard a great many more things than the subalterns heard, and probably knew more about Mr. Norris.

By Mr. BAYARD:

Question. Norris had a black list of a number of citizens around in the neighborhood, and these men were to pay him money to abstain from having them arrested?

Answer. Yes sir.

Question. Although he was simply an officer on duty, and, without respect to anything else, had to serve the warrants?

Answer. It was his duty to serve them whether he wanted to or not, and we were to protect him in doing so.

Question. Did he ever want you to make an arrest for him?

Answer. No, sir. On the first night we went out he went to the house of one man who, he claimed, had shot him. I knew he was a desperate man of very low character. He wanted me to go into the house. A soldier knocked at the door, but nobody would let him in. Norris apparently did not like to go in there himself, and asked me if I would not see that the door was opened. I would not do it, and then he went in himself; and the man was there, but he did not show any resistance at all; maybe because he knew the soldiers were there, and he knew it would do no good to resist. I would not have hesitated a moment to have killed him if he had resisted. The same fellow we arrested accused the soldiers of Ku-Kluxing him. He was taken out of his house one night, and he attempted to escape and was shot; he claimed that it was the soldiers, but we have no evidence that it was the soldiers. That created some excitement in the town of Warrenton, and some demonstrations were made against some of the soldiers when they went into town.

Question. That was upon the supposition that some soldiers had lawlessly shot one of those men?

Answer. Yes, sir.

Question. You say that this man who was sheriff of the county while you had prisoners back of the camp, detained there in custody, would go back under some pretense and seek them and make negotiations with them about payments to him?

Answer. We had no prisoners in camp at all. He would come over and make a visit to camp, and had previously made his arrangements with them. Those parties who made the negotiations said they thought the soldiers were watching them.

Question. Was he not then doing what I asked you at first—holding the military force *in terrorem* over these people, to accomplish his ends and get money out of them?

Answer. We were satisfied of that after this thing came out.

By the CHAIRMAN:

Question. Did you see this black list yourself?

Answer. No, sir, not that I now remember; probably some of the officers did see it; and I heard Norris speak of it.

Question. The information that you have given was obtained from the witnesses who were examined?

Answer. Yes, sir; those witnesses who were examined in my quarters. Major Kline had the thing investigated before he was willing to arrest Mr. Norris. He did not place any confidence in the say-so of the people down there against Mr. Norris, and for that reason he had this testimony taken, to satisfy himself about it.

Question. State whether the military authorities endeavored to do, and, so far as you know, did do equal and exact justice among the people, regardless of race, color, political sentiments, or previous condition.

Answer. I think, to the best of my knowledge, that they did.

Question. When you were satisfied that men friendly to the Government had been guilty of wrongs you rebuked them with the same severity that you did men on the other side?

Answer. We never felt called on to rebuke them. We never had anything more to do with them at all.

Question. Did you not rebuke this conduct of Norris?

Answer. He was an officer that we were there to protect and back up.

Question. You rebuked him, did you not, in the way you speak of—by arresting him and having him held over in custody of the civil authorities?

Answer. If that is a rebuke, we rebuked him. It was not personal rebuke at all.

Question. I did not use the word in the sense of scolding.

Answer. I misunderstood you.

ATLANTA, GEORGIA, *November* 6, 1871.

Lieutenant GEORGE S. HOYT sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will commence his examination.

By Mr. BAYARD:

Question. What is your rank in the Army of the United States?

Answer. Second lieutenant in the Eighteenth United States Infantry.

Question. How long have you been stationed in Georgia?

Answer. I have been here since the 14th day of April, 1869, with the exception of two or three days in South Carolina.

Question. Will you state to what parts of the State your military duties have called you?

Answer. I was stationed here at Atlanta from the 14th of April, 1869, until the 7th of June; on that day the company to which I belonged was ordered to Warrenton, Georgia, and remained there until about the latter part of August, of the same year; then we moved to Union Point, in Greene County.

Question. Have you been at different times detailed to go temporarily to different parts of the State?

Answer. In that vicinity, yes, sir.

Question. The duty of this committee is to ascertain, so far as we can, the condition of the people of Georgia, and the safety of person and property within her limits. So far as your information or knowledge extends I would like to have you state what you know upon the subject. In the course of your duties here have you met with forcible resistance to the execution of your orders?

Answer. I never have.

Question. Have you met with personal affront at all while in the course of performing your duties?

Answer. I do not know that I ever have.

Question. Have you met at the hands of the people of this State with common courtesy and civility?

Answer. In some cases I have, and in some cases I have not.

Question. Your duties have generally been of a character to repress any turbulence or violence, I presume?

Answer. Yes, sir.

Question. Has it been from persons of that character that you have met with unpleasant treatment?

Answer. Well, sir, I should generally consider them the lower classes of society.

Question. They were rude people?

Answer. Yes, sir; I should so consider them.

Question. Have these been individual cases, or do you think they have proceeded from anything like a class?

Answer. Well, sir, I have never had any serious trouble with any one; I have heard a great deal of talk about Yankees, &c., from people who were probably under the influence of liquor, but who I thought expressed their real sentiments.

Question. Was this to your face?

Answer. I never had anything particularly offensive addressed to me; but I have heard it spoken of by parties aside, and I would overhear it.

Question. It was not said to you?

Answer. No, sir.

Question. In the course of your duties here have you ever seen any of these armed and disguised bands of people that they say exist in this State?

Answer. I have never seen any of them in disguise.

Question. You have no personal knowledge of them from your individual experience?

Answer. No, sir.

Question. Have you had many complaints made to you by persons who had suffered at their hands?

Answer. I have had quite a number; perhaps the complaints were made to the commanding officer, and I was ordered to investigate them—quite a number of cases.

Question. How many cases? and state their dates.

Answer. I have some orders in my pocket which would refresh my memory very much in regard to the dates, if I can look at them.

Question. Certainly; that would be proper.

Answer. The first order of the kind that I had was July 19, 1869, from Warrenton. I was ordered to proceed to Glascock County with a man by the name of Brassel, then in the camp at Warrenton, for protection, and to assist him in getting away his property, and to investigate the case and report it to the headquarters of the post. My report was made on my return, at the headquarters of the post; precisely what it was I cannot now tell, but I will give a general idea of what it amounted to. I pre-

ceeded to the house where he had lived, where he had been whipped by the Ku-Klux in the night. I found out the property that belonged to him, and had it loaded up on an army wagon. I made inquiries of the parties whose place he lived on; asked them what they knew of the matter, and what was the character of the man. They informed me that he had been at work on their plantation; that one night but a short time before that a party of disguised men surrounded their house, or they saw them around the house, and that one of the party came to the door and told them they wanted a rope. My recollection is that he was asked what the rope was wanted for, and he said that was none of his business; that he must furnish it; that he held a revolver at his head at the time. He got them a rope off the well, and then the balance of the party, with the exception of two or three, proceeded to where Brassel stopped; that he heard cries for help, &c., down in the vicinity where Brassel lived; that, after a space of time these parties left, and he supposed they went away. After that he went down to where Brassel lived, and found that he had been hung up by the neck with a rope, to a tree, and beaten. I am not certain about his son, but my recollection is that the testimony of two or three of the family was the same in regard to the matter.

Question. What was the beating alleged to have been for?

Answer. It was alleged that this man's son had stolen $90 from a negro living on another plantation.

Question. Was Brassel a negro?

Answer. No, sir; he was a white man. The money was lost, and they thought they traced the steps of the party to the house of this man Brassel; it was supposed his son was guilty of the theft.

Question. And he was punished for that?

Answer. That was what was said.

Question. That was the case of a white man and his son punished for the alleged robbery of a negro who lived in the neighborhood?

Answer. That was the idea conveyed by the parties.

Question. What was done?

Answer. On my return I reported the facts, with written statements as given to me by those parties.

Question. What was done with the case?

Answer. From my report two or three of the parties whose voices Brassel thought he recognized were arrested, although they were in disguise.

Question. By whom?

Answer. I think the warrants were sworn out by Brassel before a justice of the peace in Warrenton, of the name of Gibson. They were arrested and brought before the justice under the charge of the acting sheriff of the county at the time. It was my understanding that they appeared before the justice and gave bond to appear at the superior court. This man Brassel remained in camp for a few days afterwards, and was then sent up to Atlanta upon the idea that he was afraid to live in that part of the country. He was told by the commanding officer of the post to give his address to General Terry when he arrived here, so that when called upon as a witness at the meeting of the superior court he could give his testimony against these parties. My understanding is that at the meeting of the superior court he did not appear, and there was no trial of the parties.

Question. He was the sole person to give the evidence; he was the prosecuting witness?

Answer. I do not understand the laws of the State fully; but I understood he was the prosecutor.

Question. And he failed to appear?

Answer. Yes, sir; that is my understanding of the case.

Question. That was the end of that case?

Answer. Yes, sir.

Question. Were there other cases of a similar character investigated by you?

Answer. Yes, sir; several of them. The next case was about the 1st of September, 1869, when the company was at Union Point. I received an order to proceed with a detachment to the vicinity of Mr. Marchmans's place, in the edge of Hancock County, to investigate a case where a negro, it was alleged, had been killed by the Ku-Klux, and also where it was alleged that the negroes, in retaliation, had formed a party and attempted to kill Mr. Marchmans. I have forgotten the names of most of the parties; I saw Marchmans and other parties around there. He testified, I think, under oath, that, at the time this colored man was killed, a party of disguised men came around in the vicinity of his house, the negro living but a few steps from him; that they went to the negro's house, took him out and whipped him; whipped one of the negro's sons, and while doing so others of the party killed the boy's father. Some of the witnesses testified that they presumed that was done on account of the negro having an ax in his hand. Others of the party testified that the negro was called upon by this party to make up a light, that he had the ax and was going to the wood-pile to get kindling

to make the light with; that is my recollection of the testimony. At any rate it was concluded that the negro was killed by those parties and the boy whipped. Marchmans and some others testified to their being there. I also gathered testimony on that occasion that a few days afterward, I could not say how many, a party of negroes appeared at Marchmans's house and demanded admittance, and he refused to let them in. I think he stated that he saw them through the windows or some cracks in the building; that they then fired some of their pieces through the door into the room in which he and his family lived. I think they then broke open the door, and he fired his gun at the party, and they fell back for a time. In the mean time, while they were reforming, he raised up a plank in the floor, got down through the floor, and got away. From the testimony of some members of the family, it appears that they then came into the house and said that they were going to kill Marchmans; but he was not there, and they then went away. Those are about the facts I gained in that case, as near as I can remember them now.

Question. What was done in that case? By the way, did you come to the conclusion, in your report, that Marchmans was concerned in the assault on the negro and his son?

Answer. I could gather no testimony to show that he was, although it was my private opinion that he was.

Question. There was no testimony to that effect, but you had that suspicion?

Answer. I had that suspicion. I reported the case. But an important witness in this case had left and gone down into another county, some forty or fifty miles from there. I was unable to investigate further without a warrant to proceed to where the negro and his family had gone, which I did not receive. Afterward, I understood that most of the negroes were traced to houses where they lived, that they were captured, tried before the court, and several of them sent to the penitentiary.

Question. And others of them were acquitted?

Answer. I do not know whether any on trial were acquitted or not.

Question. Were there other cases of this character which you investigated?

Answer. I was ordered to Greensborough about the 24th of September, 1869, upon a statement that a teacher of a negro school there had been threatened, and a man there whipped by disguised parties. I was ordered there for their protection, and to assist the civil authorities in preserving order there, but not to interfere except personal violence was attempted in my presence or vicinity. I learned from Mr. Hurlbut at Greensborough that a few days previous parties of disguised men had come to his house and demanded to know where the teacher of the negro school was; I have forgotten his name. He told them he did not know, that he was not there. He said they insisted that he knew where he was, and said that he was there. They finally took him out, found his gun, took that out and broke it, and whipped him, gave him several blows or licks, and then went away. From my present recollection, about a month after going there, one night about 11 o'clock the sergeant of the detachment came to my tent and said there were a couple of negroes outside who wanted to see me. I got up, put on my clothes, and told him to let them come in. They came in, and I asked them what they wanted. They said the Ku-Klux were out at Abe Colby's, or Goldsby's, I am not sure of the name; that they were in his house, and the negroes were afraid they would kill him. This Colby, if that was his name, was a mulatto, and I understood was one of the expelled negro members of the legislature in 1868 or 1869. I had eleven men there with me; I left three in camp and took seven men with me and started. In the first place I questioned the negroes sharply to see whether they had told the truth, and I came to the conclusion that they had told the truth. I started out in the direction they led off, toward Colby's house, which, they said, was about a mile and a half from town. I had gone about a mile when I met Colby's brother, and he said it was all over; that they had killed him; that he had heard a gun go off, and had heard some exclamations from his brother, and was satisfied that they had killed him. I told him to lead me to the spot, and he led me to the spot where he thought they had whipped him from the sound he had heard. We hunted around there for an hour or two, but we were unable to find the body, or to find anything to show what had occurred there. It was getting late in the night, and it was very cold. I told him I would take my detachment back to camp, and they might hunt around longer if they saw fit, and endeavor to find out the result of the case, and let me know early in the morning. He came around in the morning and told me that he had found his brother at a small cabin near by the place where we had hunted, and had taken him back to his house; that he was very badly whipped. I went out to his house in the afternoon and saw him lying in bed, apparently unable to move or to turn over. I told him to let me see where he was injured, and he was turned over so that I could see his back. He was a yellow man; his back was what we would call black and blue; the blood under the skin was turned black, and in many places, from the vicinity of the neck down to his legs, the skin was cut. He was in a very bad condition. He informed me that he was struck by something heavier than straps; that the whipping was done principally with what he considered revolver belts—several of them—each man using his own. I asked how

many whipped him; and he said he thought there must have been thirty or forty at the time, and that he thought each one of them gave him a large number of lashes. On questioning him, he said that he woke up in the night, and the first thing he knew this party was inside his room, and one of them had a revolver against his head at the time they called him and woke him up. They were all in disguise. They hauled him out without time to put on any more clothing than he had on; carried him to a spot nearly a mile from where his house was, and there they ordered him to strip, which he told them he would not do. They then threw him down on his face, stripped off his clothes, and whipped him, as stated. I asked him if he was willing, as soon as he got better, to testify before the civil courts, and he said he would do it, and prosecute the case. I made report of the facts as given to me; my impression now is that I recommended that further action should be put off until Colby could give his testimony before the court. He thought he recognized two or three of the parties, and said he was willing to testify in regard to them when he was able. The people around town that I questioned about the matter said they did not believe that this party was from that vicinity, that they thought they must be from down in the country. But I had no conclusive evidence that they were from down there, and believe them to be from Greensborough, right from that town, and from a little town five or six miles away, where there is a college; I have forgotten the name.

Question. This was Abraham Colby, a mulatto member of the legislature?

Answer. Yes, sir.

Question. Was he a large man?

Answer. Yes, sir; a very large man.

Question. And limps when he walks?

Answer. Yes, sir. I did not see any of the parties, but I was very anxious to find them that night.

Question. Did he proceed with any prosecution?

Answer. I left there about the 20th of November; was ordered to proceed back and join the company at Union Point. What action was afterward taken I do not know.

Question. Testimony was taken by you and forwarded to headquarters?

Answer. Yes, sir.

Question. In aid of discovering the perpetrators of these wrongs?

Answer. Yes, sir.

Question. Do you remember other cases that you investigated?

Answer. Previous to that time, while at Union Point, there was said to have been a case of whipping up in the edge of Oglethorpe County.

Question. Pardon me a moment; did you find whether there was any alleged cause stated by the people in the neighborhood for whipping Colby? What was alleged against him?

Answer. I questioned some parties about it, both blacks and whites; I heard some people allege that there was a feeling against Colby for living with a near relative of his, I think his daughter, as his wife.

Question. An incestuous connection?

Answer. Yes, sir; I heard that alleged against him; I also heard other people, white men, say that there was nothing against Colby except his politics. Both of these things were stated to me.

Question. Did you take any steps to get any information as to the truth of the first charge at all?

Answer. I did not; I did not consider any fault of the man a justification for that outrage.

Question. You did not as a matter of fact take any step to ascertain that; that was what I wanted to ask you. Sometimes these things have been given as a mere pretext, without any foundation at all; I only wanted to know if you investigated the matter any.

Answer. I did not.

Question. You were about to speak of a case in the edge of Oglethrope prior to that time?

Answer. Yes, sir. Captain Kline, commanding the company there, first ordered me to investigate it, and then concluded to go along with me himself; I was with him when he investigated the case; it was at Woodstock. It seemed that a negro had been quite badly whipped by some five or six white men, and it was my opinion that the negro who went along with us, after talking with the parties, concluded to go back there, and the matter was sort of compromised between the two sides; both sides acknowledging that they were in fault. That is my recollection of the case.

Question. The outraged person was satisfied with the compensation; whatever wrong was done him he asked for no further investigation?

Answer. That is my understanding.

Question. Do you remember whether in Colby's case any of the parties engaged in the outrage upon him were negroes?

Answer. I think he considered that a man by the name of Greene Lawrence, a negro

living in the vicinity, was one of the parties connected with it; that is my impression now.

Question. Does this comprise the cases of which you have had knowledge, and which you have investigated?

Answer. I think it does, so far as my personal investigation is concerned.

Question. In all these cases that have been before you in one way or another, by means of the investigation you have referred to, was the testimony forwarded to headquarters brought to the knowledge of the civil authorities, so that they might be aided by it?

Answer. I think it was not placed at their disposal.

Question. Was the information given to them that they might act upon it; what was the object of obtaining it if there was no use to be made of it?

Answer. I understand it was a military report to inform General Terry, commanding the district, of what was occurring, and what steps were taken to stop these things.

Question. Was not this thing given to the officers of the law that it might assist them in making investigations, and bringing the guilty parties to justice?

Answer. It was not by me officially; I used to talk with some of them about these matters. In that connection, I would say that it was not very often I found much disposition on the part of the civil officers to take active measures in these matters.

Question. That was the time when you were engaged in looking them up?

Answer. Yes, sir.

Question. When you wanted witnesses did you arrest them and bring them before you?

Answer. I used to send for them to come in.

Question. You would bring them in; would you bring in any witnesses that you desired—have them brought to your camp as witnesses, any parties you supposed had information on those subjects; was it your custom and practice to send for them and have them brought to camp for examination?

Answer. Often it was in the case of negroes and other parties; and in those cases I would go where they were, if it was not convenient for them to come to camp.

Question. Were they ever detained in camp?

Answer. No, sir; as all these examinations were considered merely preliminary examinations for the purpose of informing the commanding officer of the district of what was going on.

By Mr. SCOFIELD:

Question. Do you mean to say that witnesses were forced to come to your camp; that they were arrested and brought to camp in order to testify?

Answer. No, sir, I do not mean that. If I sent a sergeant out for a party, to tell him that I wanted him to come in and tell me what he knew about a matter, he always came.

Question. They came by invitation?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Suppose they declined to come?

Answer. When the State was under martial law I should have brought them; when it was not I should not.

Question. Did you ever investigate cases of civil contract between parties?

Answer. I have often had complaints made to me in regard to them.

Question. What did you do in those cases?

Answer. All that I considered it my duty in the matter was to give the negroes the best information I had in regard to what steps to take to obtain their rights.

Question. You did not have any hearing between the parties, the landlord summoned on the one side, and the tenant on the other, for the purpose of hearing their statements?

Answer. No, sir; nothing of that kind. Sometimes I have had both parties come to me and make their statements of the matter, and request me to judge between them and decide what was right and just.

Question. That was a voluntary submission of the matter to you?

Answer. Yes, sir.

Question. Where there was a difference of opinion as to what their rights were?

Answer. Yes, sir.

Question. It was entirely a voluntary matter on their part?

Answer. Entirely so; I never attempted to settle matters between them, only to give them my advice.

Question. During this time did you find men down in that country disposed to use the presence of the military to overawe their neighbors in any way, or to get money from them under threats of arrest by the military, or anything of that kind; do you remember anything of that sort occurring there?

Answer. I cannot say that, of my own personal knowledge, I do.

Question. Did you have any credible information on that subject?

Answer. What credible information I have was that Mr. Norris, the sheriff of Warren County, did so.

Question. Do you know whether, upon charges made and evidence taken under oath before Major Kline, Norris was arrested and sent up to Atlanta by order of General Terry, charged with these acts you have mentioned?

Answer. It was my understanding that he was arrested for bribery.

Question. You mean by that receiving money from parties to not execute or to withhold process?

Answer. It was my understanding that he received money from these parties to let them alone, not to arrest them.

Question. Did you see or know of his having a black list there of men against whom he held warrants, and from whom he got money in this way; did you ever hear of that?

Answer. I have heard of such a thing, but not being at that post at the time my personal knowledge in regard to it is very limited.

Question. Have you heard your brother officers talk upon the subject?

Answer. I have, and in the examination of Norris there I have heard that it was clearly proven that he had received, or was about to receive, large sums of money for letting these people off and not prosecuting them.

Question. You were not detailed to support him in any way in making his arrests, or to protect him personally?

Answer. On one occasion I was detailed to proceed with three men from Barnett Station to Warrenton to take Norris back to Warrenton.

Question. Why?

Answer. It was my understanding that it was because he was afraid to go without an escort.

Question. That was upon his own statement?

Answer. I do not know that he stated so, but that was my understanding at the time.

Question. Did you go and escort him?

Answer. I did.

Question. Was any attempt whatever made to molest him?

Answer. None.

Question. Have you now given us about the statement pretty much in full of your military experience here in Georgia and your general duties; or is there anything else which you think you should state?

Answer. I do not think of anything important besides what I have stated, except one case. In September, 1870, I think it was, I was ordered to proceed with a detachment to Lexington, Oglethorpe County, and to report to the civil authorities there. It was said that there had been some Ku-Klux outrages in that vicinity, and they desired to have the parties arrested and brought up for trial. I think Mr. Robinson, ordinary of the county, and also postmaster and justice of the peace, requested me to hold myself in readiness to assist the sheriff in arresting those parties in regard to whom information had been given and who were supposed to be guilty of this outrage. I suggested to him that he had better have the civil authorities try first and see if there would be any resistance to them, and if there was, I would go. The sheriff came to me and reported that he had been out and had seen the parties and warned them to be there on a certain day before the justice's court. The day the justice's court was held they all appeared, as I understood, and had a preliminary examination. I think all but three were acquitted, and they were bound over in a certain bond to appear at the superior court. I heard much of the testimony before the justice's court, from which it appeared that there had been an outrage in that county; that disguised parties had whipped a negro quite badly; but, as regards the names and the date, I could not tell.

Question. The parties came in after receiving the order of the sheriff, without your interference?

Answer. Yes, sir.

Question. And were bound over to answer at the court?

Answer. Yes, sir.

Question. Who is the judge of the superior court of that district?

Answer. Judge Andrews. The justice of the peace was Judge Robinson, as he is called, ordinary of the county; and another justice of the peace sat with him on that occasion.

Question. Does this complete your knowledge of these cases?

Answer. That is about the extent of my personal knowledge.

Question. If there is any other statement you would like to make, you can do so.

Answer. I cannot think of anything more.

By the CHAIRMAN:

Question. Had this negro in Oglethorpe been visited by disguised men and whipped?

Answer. It is my recollection now that the testimony showed that he was.

Question. All were discharged but three?

Answer. That is my recollection.

Question. Do you know what that evidence was? You say the main fact was true; that the outrage had been committed. Upon what ground were those men discharged?

Answer. From hearing the evidence it was my impression that they were discharged from the failure of the witnesses for the prosecution to properly identify them as the parties.

Question. You were there in town with a military force?

Answer. I had twelve or fifteen men encamped in the court-house yard.

Question. You were there to assist the sheriff?

Answer. If called upon.

Question. And when the sheriff went after these men they came in without your intervention?

Answer. Without my interference. It is my impression that they came without his going through the formality of arresting them.

Question. You have been asked something about Mr. Morris. Do you know him

Answer. I have seen a great deal of him.

Question. Do you know personally anything about the facts connected with this alleged bribery?

Answer. Personally, of my own knowledge, I do not.

Question. What you have stated is information derived from others?

Answer. Yes, sir.

Question. Do you know that he was attacked by a party of disguised men and shot, and very severely wounded?

Answer. I have heard so.

Question. Did you see the marks of the injuries upon him?

Answer. I have seen the marks of the shot upon his person.

Question. What was the name of that teacher at Greensborough?

Answer. I think his name was Gladding.

Question. Was he a white man or colored?

Answer. He was a white man.

Question. What happened to him; what became of him?

Answer. Soon after I left there I think I heard he left.

Question. What had they against him?

Answer. Well, sir, he was the teacher of a colored school there. I have heard some white men say there that he walked through the town arm-in-arm with negro women under his umbrella, &c.; that is all I ever heard against him.

Question. Did you know the man?

Answer. I saw him and talked with him a very little.

Question. Was he an intelligent man?

Answer. Well, sir, I should not think he was a very intelligent man or a very discreet man.

Question. Was he an orderly man in his general course of conduct?

Answer. He appeared to be.

Question. Do you know where he came from?

Answer. I do not.

Question. He was living with Mr. Hurlbut?

Answer. I had understood that he staid there at one time, but was not there when they visited Mr. Hurlbut to find him.

Question. Do you know whether the Ku-Klux ever got hold of Gladding and committed any violence against him?

Answer. If they did, I did not know it.

Question. The attack on Mr. Colby was disconnected entirely with that on Mr. Gladding?

Answer. I think it was.

Question. Those people who made this charge about Gladding walking under an umbrella with a colored woman, and about Colby living in adulterous concubinage with his daughter, were they the friends and apologists of the Ku-Klux, or were they the friends of law and good order?

Answer. Well, sir, from my recollection, one of them who told me in regard to that was one of the men that Colby thought he recognized as one of the party who whipped him.

Question. He was the one that told you about Colby?

Answer. That was my impression.

Question. Did you let him know that Colby thought he was implicated?

Answer. I did not.

Question. Did you try to find out from him whether he was or not?

Answer. I never did to his face; I tried to find out, but through other parties.

Question. You talked with him?

Answer. Yes, sir.

Question. Why did you not ask him where he was that night?

Answer. I talked with him about this matter; he wanted to know the next day what was the matter with me; I said nothing, only that I was most damned mad. He asked what was the matter, and I told him that it was on account of the outrage that had occurred the night before. I said I thought that none but very base rowdies would be engaged in matters of that kind. I simply state this in answer to your question why I did not ask him where he was. I did not ask him about the matter, as I had had this conversation previously.

Question. You might have asked him where he was that night; I did not suppose you would put the question to him directly.

Answer. I did not do it.

Question. In the case of the attack upon Marchman's, you say those negroes were apprehended, tried, and sent to the penitentiary?

Answer. It is my understanding that most of them were.

Question. Was anybody ever arrested or tried and sent to the penitentiary, or otherwise punished, for killing that negro and whipping his son?

Answer. Not that I ever heard of.

Question Did you ever make any inquiry why it was not just as easy to punish the offenders in the one case as in the other?

Answer. I think it might have been just as easy if the white men in the community took as much interest in the one case as in the other.

Question. You think they wanted to punish the offenders in the one case and did not want to punish them in the other?

Answer. That is my idea of it.

Question. Do you know what became of Brassel?

Answer. I do not; the last I knew of him he came to Atlanta.

Question. You never heard that he was subsequently killed?

Answer. I never did.

Question. As I understand you, he had been hanged up by a rope, and while in that situation was scourged?

Answer. Whether they whipped him with lashes or not I cannot say; I understood that he was beaten.

Question. Did you understand how long they had him hung up?

Answer. All the knowledge I gained on that point was from him, and I think his statement was that they hung him up until he was about dead; how long I do not know.

Question. That was for the alleged stealing by his son of some money from a negro?

Answer. That was my understanding of the testimony taken.

Question. Are these the only cases you have heard of similar acts of violence?

Answer. No, sir; I have heard of quite a number besides these.

Question. These you had occasion officially to investigate?

Answer. Yes, sir.

Question. These have all occurred since 1869?

Answer. During 1869 and since.

Question. Have you ever known an instance of a single man being brought to punishment for any of these so-called Ku-Klux outrages?

Answer. I have known of a couple of young men being in the guard-house, and in jail for some time, but what the final termination of their trial was I do not know.

Question. I am speaking of the civil authorities of the State of Georgia.

Answer. I do not recollect any case.

Question. State whether, from your observation and from reliable information, you are satisfied that a lawless organization exists in this State for the purpose of violence and the maltreatment of people who may be obnoxious to them.

Answer. Do you mean for me to state whether I think there is a general State organization?

Question. I wanted to know, in the first place, whether you thought there was such an organization, and then the other question will follow as to how extensive you suppose it to be.

Answer. I believe there are such bands.

Question. What is your information as to their being affiliated one with another, acting upon a common principle and under a common policy?

Answer. That I have no means of knowing; but I have understood that in 1868 the organization was a general matter. I have believed that later, in the State of Georgia, the general organization was, in a measure, broken up, and that these parties were a sort of local organization, not connected together; that is my impression, but I do not know how it is.

Question. What has been the tone of the press, especially of the democratic press, of the State in reference to these Ku-Klux operations?

Answer. Well, sir, it is my impression that they generally deny them.

Question. Deny their existence and the fact of the outrages?

Answer. Yes, sir.

Question. How do they treat efforts made to suppress them and punish them?

Answer. All I can say in regard to that is in reference to articles that I used often to see in the Augusta Chronicle and Sentinel in regard to our movements down in Warren County; they used to abuse us very severely.

Question. How was the presence of the military regarded by the people there; how did they seem to stand affected toward them?

Answer. Well, sir, I believe that, in many cases, many of the better class of white people were glad to see us come, but that the lower classes disliked us very much.

Question. What do you mean by the lower classes; do you mean the poorer classes?

Answer. No, sir, that is not my meaning, exactly; I mean the roughs and rowdies.

Question. The vicious class?

Answer. Yes, sir.

Question. In other words, you think you were a terror to evil-doers, and a praise to those who do well?

Answer. That is my opinion; it may be presumptuous to say so.

Question. You think the good citizens were glad to see you, and that the evil-disposed regarded you with strong feelings of aversion?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Do you think the evil-disposed citizens of Georgia are more numerous than they are in other States?

Answer. I think they are more numerous than they are in the States I have been accustomed to live in; that is, the Northern States.

Question. You were asked by the chairman whether you had ever known a conviction of a single man in Georgia for any of these crimes commonly known as Ku-Klux offenses. I will ask you whether your examination and knowledge of these cases extended beyond these preliminary investigations which you have stated to us, or whether you subsequently interested yourself to follow those cases until the final discharge or punishment of the parties?

Answer. I would say that I have sometimes made inquiries in regard to them, but I was not particularly interested myself in following up the cases.

Question. Then, are you or not able to say what was the ending of those cases, the investigation of which you commenced?

Answer. I am unable to say what was the end of them.

ATLANTA, GEORGIA, *November* 6, 1871.

WILLIAM H. STALLINGS sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I am thirty-eight years old; I was born in the city of Augusta, in this State, and now live there; I am a carpenter by trade—a mechanic.

Question. We are inquiring into the manner in which the civil laws for the protection of person and property are executed in this State, how far the rights of persons and property are respected and secured. I would like you to give us any information you may have that will illustrate the matter of our inquiry.

Answer. Well, sir, I know very little, of my own knowledge, in comparison with what I have heard.

Question. We have had a great deal of testimony, it is proper to say, before us with respect to certain disguised bands of men going about at night and committing various acts of lawlessness. State whether there are any such in your community, and what you know about them there, of your own knowledge or upon reliable information?

Answer. I have never heard of any in the county of Richmond to my recollection. I think that in 1868 or 1869—I paid very little attention to it at the time—at a station called Dearing, on the Georgia road, between here and Augusta, about one or two hundred yards this side of the station, is what is called the water-pump or tank. One night while we were stopping at that station getting wood and water, two men came through the car I was in; they looked to me as if they had their coats turned wrong side outwards, with red flannel linings, and their faces blacked or smutted; they ran through the car and went out. About a couple of minutes afterwards, about two miles this side of Barnett, I saw on the side of the railroad embankment a row of men, twenty-five or thirty, maybe forty, I could not count them as the train was going by; they

were all dressed in white; they raised their hands, and I heard them make a noise, but I could not hear what they said; that was all I ever saw of them. There was so much of it going on through the country at the time that I did not pay much attention to it.

Question. Were they understood to be going about over the country at that time?

Answer. Yes, sir; there was a great deal of it.

Question. Have you seen any traces of their acts?

Answer. As I stated before, there has been so little action taken about it throughout this State, a great many said here that the United States Government was going to give no protection to us—that is, the republican party; that I gave very little attention to anything after the spring of 1869 or the fall of 1868. But I think it was in the latter part of 1869, or the early part of 1870, that I saw two men who said they were taken out of jail in Jefferson County and had their ears taken off. I talked with one while the other stood off some eight or ten feet from me; I could see that his ear was all bound up.

Question. Did you examine the ear?

Answer. I looked at it; I forget now which ear it was, but I think it was the left one.

Question. What account did he give of the transaction?

Answer. He said there were some ten or eleven of them taken out, and that there were three killed; but I afterwards learned that there was only one killed outright, and two were whipped very severely, and one afterwards died. He said there were three killed, and that seven had their ears taken off. I saw these two in Augusta at the post-office, and there were several others there who were looking at them at the same time. They had their ears taken off—that is, one ear each.

Question. Did you hear of the transaction before you saw these men?

Answer. Yes, sir; it was a current rumor; it was published in the Chronicle and Sentinel, whether before or after I do not remember.

Question. What was the account this man gave of the transaction?

Answer. I did not ask him many questions. There were a great many standing around asking questions; some asked him how it was done, what it was done for, &c. He said it was done by disguised men; that he did not know who did it.

Question. Have you had any reliable information of any other cases than that?

Answer. Yes, sir; I have heard Doctor M. E. Swinney, of Augusta, relate a case of a colored man and a white woman in Jackson County.

Question. What was that case as he related it to you?

Answer. Well, they were accused of cohabiting together. He said that the colored man was taken out into the woods, a hole dug in the ground and a block buried in it, and his *penis* taken out, and a nail driven through it into the block; that a large butcher or cheese knife, as they call it, very sharp, was laid down by him, and lightwood piled around him and set on fire; the knife was put there so that he could cut it off and get away, or stay there and burn up. Doctor Swinney said that he cut it off and jumped out. Doctor Swinney did not tell me that he saw this himself, but he said he knew the parties concerned in it. I have heard him say often that he knew all the parties who did it. After the colored man did this, they took the woman, laid her down on the ground, then cut a slit on each side of her orifice, put a large padlock in it, locked it up, and threw away the key, and then turned her loose. She went so for two or three days, and then sent for Doctor Swinney to cut it out. I do not know whether he said he cut it out or got there just as the other physician had done it; but he saw the place.

Question. Did he prescribe for the woman?

Answer. I do not know; I do not recollect whether he said he did or not.

Question. He stated that he knew the parties who were concerned in it?

Answer. Yes, sir; he stated that he knew the parties. And there was another case I have heard him speak of, of the Creech family, father and son, and a negro woman in the same county. I have sat down and listened to him state all this at several different times.

Question. What was the case of the Creech family?

Answer. I do not recollect what they were accused of; but they had a grocery and sold liquor; that was one thing, for he said he had often stopped there and taken a drink himself, as he was going to his place from the railroad station. He spoke of several letters that were written to Creech ordering him to leave there. Creech advised with him what to do, and he advised him to leave just as quickly as possible, or they would kill him. A few days after that the body of the young man was found in the creek about two hundred yards from the house, and his father and the body of the colored woman were found in a mill-pond. I do not recollect how far off they said the mill-pond was from there; it was right in the neighborhood.

Question. You do not recollect what they had against Creech?

Answer. One thing, I think, was about selling liquor.

Question. Where was the doctor living at the time you heard him make these statements?

Answer. He was staying in Johnson County.

Question. At the time you heard these statements from him?

Answer. That was in Augusta; and at one time I heard him relate the cases in the capitol building here.

Question. Do you know whether he left Johnson County?

Answer. I have heard him say often that he would have to leave there; that the Ku-Klux had been to his house and treated him pretty rough, and that he would not live there; that no person could live down there in any peace and work colored hands on his farm.

Question. Have you ever been molested at any time or place?

Answer. Well, sir, the only time that I have a recollection of that I actually thought I was in danger was in Dawson, in Terrell County.

Question. When was that?

Answer. That was on the Saturday before the 22d of February, 1870.

Question. Were you by yourself?

Answer. No, sir; I was in company with Colonel E. F. Blodgett, purchasing for the Western and Atlantic Railroad, at that time.

By Mr. BAYARD:

Question. Is that Foster Blodgett?

Answer. A son of Foster Blodgett.

By the CHAIRMAN:

Question. State the circumstances.

Answer. I was here and going to Augusta, and he proposed to me to go to Dawson with him, and then he would go to Augusta, and we would get there on the 22d of February, the day of the firemen's parade. I went to Dawson; got there on Saturday, some time in the day. He went up to meet his parties. I think he went to purchase some twenty-five box cars of the Dawson Manufacturing Company, or to make a contract with the superintendent. We walked about the town, and we could hear little remarks made around there about us, especially about Mr. Blodgett. We went in to supper at the hotel at night, and afterward came out into the sitting-room. There is just a door between the sitting-room and the dining-room. The then editor of the Early County News, a man of the name of E. H. Gruby, I think, called the attention of some parties sitting at the table near me, and pointed to us, and said, "Yonder is Blodgett's son." He spoke pretty rough. The proprietor of the hotel went and pushed the door to. After he got through supper he came out into the sitting-room with some two or three men with him, using very violent language, cursing and abusing the radicals. He turned around and said, "Can't you get the den to meet?" or words to that effect; it has been so long I cannot tell exactly what he did say. He used the word "den," and the word "Ku-Klux," and said, "Let's have a meeting." Another fellow said, "O, no, don't let's have that." They went out and were gone some fifteen or twenty minutes, and when they came back there were some eighteen or twenty of them; they filled the room pretty full. He then called on some man by name, and said, "Let's go and get the Ku-Klux together." He was very boisterous about it. One said, "There are no subjects here." He said, "O, yes; there's Foster Blodgett's son and another damned radical." Some gentleman from Macon there—I have forgotten his name—spoke up, and said that that would be bad treatment. Then Ed. Blodgett spoke and said, "This is very unkind treatment to give a man who comes to your town and leaves $20,000 in it; I would never have come here if I had known this." That was about what the cars were to cost. That created some little talk among them all, and Gruby said, "You are here; but if you will just come outside here, we will have your head on a pole." We sat there until the crowd went off, and we then went up stairs to our room, and were not molested after that during the night. I do not think I have given all that occurred; it was a long time ago; I never expected to be called upon to testify about it. We left there on Sunday, the next day after we went down.

Question. There was a manifestation of great hostility to you?

Answer. O, yes, sir.

Question. For no other reason than political difference of opinion?

Answer. The whole thing seemed to be that it was Foster Blodgett's son there, and that we were radicals. Previous to their getting very boisterous, they had asked me if I was a radical, and I told them I was a republican; I presume they set all republicans down as radicals.

Question. Is that the general way that what they call democrats have of speaking of republicans, calling them radicals—using it as a word of reproach?

Answer. That is a general term throughout the State wherever I have been.

Question. You have been speaking about living in Augusta; what is the feeling there toward republicans or radicals?

Answer. I believe it is as bitter as in any place in the Union; that is my personal experience.

Question. How does it show itself?

Answer. By ostracism, by non-intercourse with republicans. Men that were born and raised with us do not speak to us on the street. Men whom I have known ever since I have any recollection at all will not speak to me.

Question. Does it ever proceed to anything more than social ostracism; does it interfere with your business relations?

Answer. It did with me.

Question. In what way?

Answer. I was engaged there in the furniture business with a gentleman of the name of E. G. Rogers; he was a democrat, so he said; had always voted the democratic ticket. The Chronicle and Sentinel newspaper there spoke very savagely of my house being a radical house; I was the senior of the firm. It expressed surprise that the people should buy any furniture from me; a publication of that kind was made in the Chronicle.

Question. What was the style of your house—the name of your firm?

Answer. Stallings & Rogers.

Question. Rogers was a democrat?

Answer. He always voted that way, and after I knew him he said he had always been a democrat.

Question. How has that affected your business?

Answer. I had to quit; nobody would buy of us.

Question. How long had you been engaged in the furniture business?

Answer. I think that I commenced in the early part of 1867.

Question. What was your occupation before the war?

Answer. A carpenter, working at my trade.

Question. Had you had any difficulty up to that time in finding patronage to any extent you wanted?

Answer. No, sir; I could command as good wages as any mechanic in the State.

Question. Was there any other objection to your establishment except your political sentiments?

Answer. No, sir; we owed nobody anything when we wound up our business.

Question. Was there any complaint or allegation that you had wronged any one in your dealings, or anything of that kind?

Answer. No, sir.

Question. The objection simply was that it was a radical concern?

Answer. Yes, sir.

Question. Were other men made to feel the same?

Answer. I have heard quite a number there say the same thing; I have heard a number of mechanics say they could not get work because they were radicals.

Question. Do you know whether the persons of republicans have always been safe from attack in Augusta?

Answer. There have been times when I think if certain persons had been in the city they would have been injured.

Question. Do you know of any persons being killed there?

Answer. During the election for General Grant the sheriff and a colored man were killed right in the streets.

Question. How did that happen?

Answer. Both were shot. When the sheriff was killed, I suppose there were from three hundred to five hundred people standing around him, not packed together, but around about there. There were fifty or sixty just jammed up against one another, and he was shot right in the midst of them; it has never been known to the public who did it.

Question. Was he engaged in any altercation with any of them?

Answer. No, sir; at the time he was shot he was reasoning with them to be quiet. I believe there had been a little disturbance before that in which this negro was shot.

Question. While so engaged the sheriff was shot?

Answer. Yes, sir.

Question. What were his political sentiments?

Answer. He was a republican; he was elected in the election of the April previous.

Question. Has any one been arrested and punished for killing either the colored man or the sheriff?

Answer. No, sir.

Question. Under what circumstances was the colored man killed?

Answer. There seemed to be a riot, or one was threatened; people got to rushing about there, and a shot was fired, and he was killed.

Question. How recently have you been in Augusta?

Answer. I spent a week ago last Monday in Augusta.

Question. Have you any recent information from there or from that neighborhood?

Answer. No, sir; none later than that.

Question. Have you any recent or reliable information from Burke County, which, I believe, adjoins Richmond County?

Answer. No, sir; I have heard nothing lately, more than what I have seen in the papers; I have heard no one outside of Atlanta speak of the occurrence noted in the paper of this morning.

By Mr. BAYARD:

Question. I understand that, with the exception of those two men who passed through the car rapidly, and some others you once saw on the railway embankment as the train passed rapidly by, you yourself have no personal knowledge of these disguised bands?

Answer. Those are all I ever saw.

Question. All the rest you get from third parties?

Answer. Some from second parties, such as the negro men who had their ears cut off.

Question. You spoke of a black man who you said had cohabited with a white woman. Who was the woman?

Answer. I do not give that as my testimony, but as what Doctor Swinney told me.

Question. Where is this man who told you this?

Answer. I suppose he lives in Augusta now.

Question. Then you are telling us what he knows, and what he told you?

Answer. I do not know that he knows it?

Question. He merely told you this?

Answer. Yes, sir.

Question. Who was the woman, a white or a black woman?

Answer. He said she was a white woman.

Question. The black man was cohabiting with her?

Answer. Yes, sir.

Question. And this punishment was inflicted upon him, as the man told you?

Answer. Yes, sir.

Question. And you do not know it to be true, and you do not know that he knows it to be true?

Answer. No, sir.

Question. How long ago did it take place?

Answer. Probably a year and a half ago; I think it was in 1869; I think that is what he said. As I said before, I paid very little attention to it.

Question. You paid very little attention to what he said to you?

Answer. I listened to his talk. What I mean is, that the Government of the United States seemed to pay so little attention to these things, and the civil authorities did nothing, that we passed these things by. I thought a great deal about it; but what I mean is, that I do not recollect dates, because I never expected to be called upon to testify about them.

Question. In this case, the man who gave you the information is still in Augusta, and you have no knowledge of how it is, and you have no knowledge that he has any; it is merely what he said to you?

Answer. That is his statement.

Question. Who is he?

Answer. Doctor M. E. Swinney.

Question. What is the name of the man who told you that a man could not work land in Johnson County with negro labor?

Answer. Doctor Swinney.

Question. This same man.

Answer. Yes, sir.

Question. He came away and told you so?

Answer. Yes, sir.

Question. Were you ever in that county?

Answer. No, sir.

Question. You do not know anything about the condition of farming-lands there?

Answer. No, sir.

Question. You do not know that the bulk of labor in that county is negro labor?

Answer. No, sir.

Question. You say you now keep a public-house?

Answer. I did not say so.

Question. What is your occupation at this time?

Answer. I have not been doing anything particularly since last February; I was county treasurer of the county of Richmond for the last three years.

Question. Is Augusta in that county?

Answer. Yes, sir.

Question. What is the vote of that county; in the first place, the entire poll?

Answer. I think the entire poll is a little over 5,000.

Question. What is the proportion of negro votes to white votes?

Answer. I do not recollect; I never noticed it enough to say.

Question. Do you know how many negro votes there are in that county?

Answer. I know that in the election of April, 1868, the republican ticket was elected by about 1,300 majority there, and it was supposed at that time that we had got about 500 white votes.

Question. Do you think there are 500 white republican votes in that county?

Answer. Not now; I do not think there are.

Question. How many white republican votes are there in that county?

Answer. It is a very difficult matter to tell; very few white men have the courage to vote the republican ticket there now.

Question. What want of patronage was it that you complained of?

Answer. I did not complain of any want of patronage; I said I had to suspend my business there on account of being a radical, and that for being a radical nobody would trade with me.

Question. You did not receive patronage?

Answer. No, sir.

Question. I do not know whether you complained of it.

Answer. I did not complain of it to the public; I felt it so rely, but I made no public complaint of it.

Question. You testified to it here as a fact, drawn from you by the chairman of the committee, that one of your grievances was that you had not the patronage, by reason of your politics, that some other people had?

Answer. I had not the patronage after I joined the republican party that I had before that time, and it was on account of my politics; I was told so by numbers of my former friends.

Question. Men who had political prejudice against you, because of your political opinions, did not choose to deal with you?

Answer. That is the reason they gave.

Question. Do you suppose that is confined to the city of Augusta, or the State of Georgia, or the Southern States of this country?

Answer. I know nothing outside of this State, and but a little outside of Augusta. This town has been considered a free place.

Question. Do you suppose a democratic carpenter could get a place in a Government navy-yard if his politics were known?

Answer. I do not know; I never worked for the United States Government.

Question. As I understand you, the demonstration against you and the son of Mr. Blodgett, was made where?

Answer. In the town of Dawson.

Question. It consisted simply in rude language?

Answer. And threats.

Question. You were not personally molested?

Answer. No, sir.

Question. You left the town in peace, and without being disturbed?

Answer. We did so, in personal danger.

Question. It was because the man with you was the son of Foster Blodgett?

Answer. Yes, sir.

Question. Mr. Blodgett is obnoxious to a great portion of the people of this State?

Answer. Yes, sir; to the democratic party in this State.

Question. Do you suppose that disrespect to him is confined to that party?

Answer. I do not know that it is, altogether; there may be others. I have heard but few, very few, men, who call themselves republicans, say anything against him.

Question. Have you had any official connection with him in any way?

Answer. Only in 1870.

Question. What was your business with him then?

Answer. I held the agency of the Western and Atlantic Railroad for the cities of Augusta, Columbia, and Charleston.

Question. He was at that time the head of the road?

Answer. The superintendent.

Question. And he employed you under him?

Answer. Yes, sir.

Question. When he left that road did you leave your office, too?

Answer. Yes, sir; the road was leased to other parties.

Question. They did not continue to employ you when it changed hands.

Answer. No, sir.

Question. Do you not know that that road was leased to some northern gentlemen, and that Governor Brown is now at the head of it.

Answer. I believe that he is.

By the CHAIRMAN:

Question. You have been asked whether you knew about these transactions, or

whether Doctor Swinney knew of them. Do you regard Doctor Swinney as a credible man?

Answer. I do, as much so as any one.

Question. He stated these things as facts within his knowledge?

Answer. Yes, sir; and I believed at the time he was telling me that he was telling the truth.

Question. They occurred in the county where he lived?

Answer. He had a farm and mill there—so he said.

Question. He was a physician by profession?

Answer. Yes, sir; and a great many cases came under his observation from that fact.

Question. Have you reliable information of other acts of violence by these disguised bands called Ku-Klux?

Answer. I have heard of them numbers of times.

Question. How many cases do you suppose you ever heard of altogether?

Answer. I have heard of them from almost every county in the State, with the exception of Fulton and De Kalb, and maybe those counties right along there. I have never heard of any outrages being committed in Richmond, but I have heard of them in Columbia, Lincoln, Elbert, Washington, Wilkes, Burke, Jefferson, Glascock, and Warren, more than in others. I have heard of more outrages in Warren than in any other county, I think.

Question. You have been asked something about your furniture establishment. That was not a government establishment, was it?

Answer. No, sir; it was a private establishment.

Question. You say it was patronized, and well patronized, until you joined the republican party?

Answer. It was.

Question. Then they refused to deal with you?

Answer. Yes, sir; and my friends gave that as their reason for not trading with me.

Question. You have been asked what is the custom in the North. Have you ever known anybody to refuse to trade with merchants or other persons because they were democrats?

Answer. I have heard men say they would not buy anything out of that store.

Question. Out of your store?

Answer. No; you spoke of a man not buying of another because he was a democrat.

Question. Whom have you heard say that?

Answer. I have heard such remarks made. I cannot locate the persons.

Question. Is that the feeling in your State?

Answer. No, sir; that is not the general feeling.

Question. Is it the feeling here, so far as you know?

Answer. No, sir; this is the best place I have been in in Georgia; I think it is now the best place in Georgia.

Question. That is to say, there is less proscription and bitterness in Atlanta on account of political differences?

Answer. Yes, sir; and more sociability.

Question. Did those people who set upon you and young Blodgett at Dawson have any other complaint to make except that he was the son of Foster Blodgett, and that you were both radicals?

Answer. That seemed to be the prime cause of their abuse; they abused him more than me.

Question. State whether their conduct was in the highest degree offensive and insulting.

Answer. It was very much so. I would not allow any one man to talk to me as that crowd talked.

Question. Suppose either of you had attempted to resent that conduct, what would have been the result, in your opinion?

Answer. I do not believe we would have left the room alive.

ATLANTA, GEORGIA, *November* 7, 1871.

WILLIAM JENNINGS sworn and examined.

The CHAIRMAN. You will please begin the examination of this witness, Mr. Bayard, as I believe he was called at your instance.

By Mr. BAYARD:

Question. What official position do you now occupy?

Answer. I am assessor of internal revenue for the fourth district of Georgia.

Question. You are a United States officer?

Answer. Yes, sir.

Question. How long have you held that position?

Answer. Since December, 1869.

Question. How many counties are embraced within your district?

Answer. My district embraces forty-six counties.

Question. Do you appoint deputies for those counties?

Answer. Assistant assessors they are termed in the law.

Question. Are you in that way brought into familiarity with the condition of affairs of the people of Georgia within your own district?

Answer. Yes, sir; through my assistants I become familiar with the affairs of the district.

Question. The object of this committee, the purpose of its appointment, was to ascertain the condition of Georgia and other States as regards the safety of person and property within her borders. You being a gentleman in official position, which naturally gives you the opportunity to see and know what is going on, I have summoned you for the purpose of obtaining your information upon that subject. I will ask you, therefore, as I have had no opportunity of seeing you before, to state in your own way what you consider to be the general condition of the community here as to peace and good order, and the efficiency of the laws, the disposition of your own people to abide by them, and of your judges and officers of the law to carry them into effect?

Answer. Well, sir, it is a very difficult question to answer definitely. I am perfectly satisfied that in many portions of this collection district the rights of person and property are not and have not been properly respected. So far as the United States revenue laws are concerned, we have in this district a very large number of law-breakers; I do not think there is such another district in the United States, so far as the number of little illicit distilleries are concerned. I have reason to believe that last winter there were at least a thousand little illicit copper-stills running in the district; and I believe that a majority of these illicit distillers are law-breakers in other respects; they combine together to protect each other, not only to protect each other in breaking the revenue laws and preventing discovery, but also for their mutual wrongs, so far as I can learn. They are not always acting upon the defensive; they are sometimes aggressive. I get a great deal of this information, not through my assistant assessors, but from anonymous letters from parties who are good citizens, and who would have this thing broken up if they could. A great many of those letters come from women whose husbands and children are led astray by this illicit distilling; they give me this information, but they dare not sign their names to their letters. I frequently have persons come into my office and say to me, "Do you know me?" I say to them that I do not. They ask me, "Are you sure?" And if they can be satisfied that I do not know them they will then sit down and give me particular information in regard to illicit distillation and illicit traffic in whisky and tobacco in their region of country. If they thought I knew them they would not do it, for the danger of discovery is so very great that they would not dare do it. We have had some parties who have been informers and have become known as such, and they have suffered in consequence of it.

Question. State the character of the punishment inflicted upon them.

Answer. There was an old gentleman in Cherokee County last year; I have forgotten his name.

Question. Was his name McCoy?

Answer. Yes, sir, that was his name; his house was burned.

Question. He has been before this committee?

Answer. I did not know that; there are a great many minor cases.

Question. He was one of the parties who informed upon these people, and you believe that the assault upon his property was in consequence of that?

Answer. That was my opinion.

Question. Is not this distilling carried on in the hilly country—in the mountainous region of Georgia; chiefly in the northern portion of the State?

Answer. In the northwestern portion it is very largely carried on, along the Alabama line.

Question. Is not that a remote and thinly settled portion of your country?

Answer. Yes, sir.

Question. Do you not know it as a fact that illicit distilleries have in all countries been carried on in regions of that kind, and that such regions are a favorite resort of illicit distillers on account of their inaccessibility?

Answer. I have no doubt of that—illicit distillation and horse-stealing; a great many of these parties are horse-thieves.

Question. Do these parties ever combine in disguised bands to inflict punishment upon informers against them?

Answer. It is so reported to me; I have had parties come to me who gave me that information. Still I have never seen any persons in disguise. A negro man came to me the other day and said he had been taken out and whipped in Banks County, be-

cause he wanted to go away and take his family; I did not ask him his name. It was adjoining Hall County.

Question. You believe that this class of crimes, such as whipping people, is largely for the purpose of punishing them because of their supposed information to the United States authorities?

Answer. Yes, sir. I believe there is such a thing as a Ku-Klux organization in the fourth district of Georgia; and I believe its members are principally illicit distillers and illicit traders in tobacco; that is my opinion.

Question. You believe that is the basis of such an organization?

Answer. Yes, sir. I think their object is to protect each other, and to make a little money off the Government. I do not think, so far as Northeastern Georgia is concerned, it has much political significance, at least not as much so as it has in Southern Georgia. My assistant assessor in Northeastern Georgia, Mr. S. C. Atkinson, informs me by letters and otherwise that certain portions of his division he cannot traverse; that he must keep out of them. He may know that there are several illicit distilleries in certain neighborhoods, but he must go around them, for if they knew that he knew they were there his life would be in danger.

Question. That is the condition of these men who are distilling without license?

Answer. Yes, sir.

Question. Are these the cases you have referred to, breaches of the United States laws?

Answer. Yes, sir; very largely.

Question. Is that the sum and substance of your allegation, and are those the breaches of laws of which you spoke in the commencement of your testimony? If not, go on and state further.

Answer. Yes, sir; it is principally the violation of the internal revenue laws in regard to the distillation of spirits.

Question. Subtract from your district that lawlessness, and the crimes that flow from a desire to distill spirits without a license, and to protect themselves from the consequences by these illegal combinations for violent acts, do you consider that otherwise your district is in a lawless condition?

Answer. It is in time of elections; there is no doubt about that. I am satisfied that legal voters are not allowed to vote as they desire to.

Question. Where?

Answer. I would give this city as an instance. I am satisfied that at the last election there were some 200 or 300 voters here who did not vote as they desired to.

Question. Why did they not vote?

Answer. Simply because they were driven away from the polls. The police of this city were organized into a band under the plea of protecting the polls and keeping the peace; but they drove away the colored voters from the polls, and admitted by another door any white man who wanted to vote.

Question. That was here in Atlanta?

Answer. Yes, sir. I watched that election very closely, as I was chairman of the republican executive committee of this county, and of course I wanted to get out as large a vote as I possibly could get. I saw that thing myself; I tried to accommodate the voters, but I was driven away from the polls myself.

Question. Were there any colored voters brought into the city, whose votes were given for your party, that ought not to have been allowed to vote?

Answer. My dear sir, I cannot say there was one, but it was so always.

Question. Did not your political opponents very positively and frequently make the charge that there were such voters; and was not Mr. Blodgett then the superintendent of the railroad here?

Answer. Yes, sir.

Question. Was he not charged constantly and openly with bringing in large lots of people here?

Answer. Ed. Blodgett, who was a candidate for the legislature, was charged openly and frequently with bringing in loads of illegal voters here, but it was denied by him. If such was the fact I was not aware of it.

Question. Are not those charges in excited elections always made on both sides?

Answer. O, yes, sir; no doubt about that. They always have been ever since I recollect. But then there was absolute violence used here that was contrary to law, that should not have been used at all. I can give instances in which it was done. For instance, I saw very clearly that our voters were driven away from the polls, and not allowed to go up and vote. About 10 o'clock in the morning of the second day, I got a lot of them together in line, with tickets in their hands, so that there should be no question about it. I proposed myself, as I knew a great many of them, to stand at the head of the column and see that they should go in. Not one man in ten was allowed to go in and vote of that column I formed.

Question. What was the objection?

Answer. The first thing that was done was this: A man by the name of Cook

colored man, who was also on the committee, remarked to one of the policemen as he was at the head of the column, that he wanted to go up and vote. The policeman said to him, "Damn you, you have voted." He said, "No, sir; I have not." The policeman said to him, "Get in the line, then." He said "I am in the line." The policeman said to him, "No, you are not," and hit him over the head. The object was simply to raise a row and to break up the column. It was immediately broken up, and they did not get but one to vote. The negro men are very illiterate and easily intimidated; they are afraid of a row; and they went away from the polls. The man who worked for me I could not get to vote. He was a timid man; and as I had not time to go with him and protect him right at the moment of voting, he did not vote. He was willing to go and vote only if I would go with him; as I could not go with him he did not vote at all. I have no doubt there were 200 or 300 who did not vote. Still, there was a high state of political feeling; the democratic party thought they were greatly wronged and had a right to resort to any measures to carry the election.

Question. I do not want to ask you as a republican to make any statements against your own party. But I will repeat my question in regard to bringing negro voters from other districts and having them here; I will ask you if you had any knowledge of such things—if you do not know it?

Answer. I do not know of a single illegal vote of that kind.

Question. I must apologize for asking the question, for I did not suppose that you did it. I only wanted to know if it was not charged that it was done, and if the other side did not believe that such was being done?

Answer. I am rather proud of my integrity, politically or otherwise, and if such a thing was going on in my party, it would not be made known to me. I only heard of charges from the other side; I never heard an admission from any of our own party that such was the case.

Question. You personally would not approve of it, of course?

Answer. Certainly I would not.

Question. You have spoken of the disobedience to the laws of the United States in respect to distilling spirits, as causing the combination you have mentioned. Do you find that in relation to other taxes there is a submission to the laws?

Answer. I should also mention tobacco; I believe I did include distilled spirits and tobacco together. There is along the northeastern line a very considerable number of small illicit manufacturers of tobacco. They send out peddlers through Northeast Georgia and Middle Georgia to peddle off their tobacco and take back the stamped boxes to fill them again.

Question. With the exception of the violations of the revenue laws with respect to spirits and tobacco, what is the obedience to your revenue laws and to the other laws?

Answer. Well, except in the matter of elections, I do not think there is so bad a state of things, excepting in this district, as has probably been stated by some parties, with the exceptions I have spoken of. I have been about the district myself, and I have never been molested. I certainly am not afraid to go to any part of this district or to any county in it.

Question. You have been a pronounced republican, have you not?

Answer. Yes, sir.

Question. Always outspoken in your sentiments?

Answer. Clearly so.

Question. Have you ever been molested or interfered with for such expressions?

Answer. I have been ostracised to some extent; that I realize perfectly well. And about election times I have been spoken to in a way that it was not agreeable to listen to, by a crowd that would have given me personal trouble, probably, if I had resented their improper language. At ordinary times I can walk the streets and be treated as a gentleman.

Question. Those are the heated expressions of a political contest?

Answer. I realize that. Still there is a better state of things existing in this city than there is in the rural districts. I cannot speak so well for the rural districts as my assistant assessors and others can. So far as the cities are concerned, I feel entirely safe in going about the streets.

Question. How about the administration of justice here? Are your judges men who seek to do justice by your people?

Answer. In the main, I think they do, so far as I know.

Question How is it in regard to your juries and your prosecuting officers?

Answer. Well, sir, so far as my experience goes, I have no reasonable complaints to make; generally honorable men have occupied such positions, and I believe they mean to do right.

Question. Then, leaving out the violations of the revenue laws of which you have spoken, and leaving out also the violence which is resorted to by those people to protect themselves from being informed against, do you consider that there is under the laws of Georgia and in the sentiments of your people here reasonable security for person and property within your limits?

Answer. Well, as I said in the outset, it is very difficult to answer that question. I cannot answer it in the negative, neither could I in the affirmative, because I hear of cases in which parties are alleged to be interfered with, but I know but little of it.

Question. You think the sentiment of your people is in favor of law and order, and security?

Answer. I think there is a tendency in that direction—I hope there is—and that a majority may be safely put down as tending in that direction.

Question. If you should be wronged in person or in property, would you consider that you had a remedy under the laws of Georgia now; if the wrong was inflicted upon you here as a leading member of the republican party and an office-holder under the United States Government, would you feel that your courts of justice would give you a reasonably secure remedy?

Answer. Yes, sir; I would as soon risk Judge Hopkins upon the bench of the superior court as any man in the United States; I think he is strictly just. So far as the juries are concerned, it would depend a little upon the juries. I confess I have seen juries here render verdicts that were not strictly just, and I knew they were influenced by personal considerations. But I think that is growing less so.

Question. Do you not think it is a result of periods of excitement that there may be more or less prejudice?

Answer. I have no doubt that is the case everywhere.

Question. Do you think more of that exists in Georgia than would exist in any other community where there was a great deal of political excitement?

Answer. I think there is a great deal of prejudice existing in the South. I removed from the State of Ohio to Georgia in 1858, two or three years before the war, and at that time there was an astonishing amount of prejudice.

Question. Of sectional prejudice?

Answer. Yes, sir. And I doubt whether then certain individuals, if they were considered in the least tinctured with abolitionism, could have got justice in the courts.

Question. There was a great soreness upon the subject of interfering with slave property?

Answer. Yes, sir; and the same feeling exists yet to a great extent. It is not now in regard to slave property, but it is the negro and his rights that cause the same prejudice.

Question. Do you think that feeling is ameliorating?

Answer. No doubt about that; it is a question of time.

Question. Were you here during the war?

Answer. Yes, sir; excepting one year.

Question. You have held office among the people since the war?

Answer. Yes, sir.

Question. Do you find that the fever of the war is passing away, and that there is a better feeling increasing through your community?

Answer. Yes, sir, gradually increasing; there is no doubt about that at all.

Question. Is there in your community a feeling of soreness growing out of the disfranchisement of a number of your leading men?

Answer. I have not heard much of it; but that has been a source of bad feeling I have no doubt.

Question. In your opinion, what would be the effect upon the feelings of the people of Georgia of a general measure of amnesty and oblivion by the Government of the United States?

Answer. I believe it would be good; I think it is the very thing that ought to be taken into consideration by Congress at once.

Question. Do you believe that would tend to increase the feeling of friendliness and allegiance on the part of the people to the Government of the United States?

Answer. I think it would.

Question. And you belive it would give the people of the State a strong feeling of interest in repressing any lawlessness that might now exist in their midst?

Answer. Certainly it could have no bad effect, and probably it would have a favorable effect in that regard. Certain persons would have a feeling of friendliness toward the Government that now do not have it.

Question. From what you have seen of your people here, do you believe that there has been this feeling with many of them; that whereas they would have repressed or sought to repress these disorders if the power had been in their hands, still, power not being in their hands, they have left it to those who had the power to meet the responsibility for it? Have you traced that feeling among them?

Answer. No, sir; I do not think that would amount to much. I think that every man who sees a murder being committed should endeavor to prevent it; he should not wait for the officers of the law.

Question. I am not speaking of preventing this lawlessness, but of the fact whether, the power of the State not being in the hands of those the majority desired to see it in, they did not feel their responsibility?

Answer. They did not feel their responsibility perhaps so much as they would under other circumstances.

Question. Do you not know that there was a great deal of that feeling in the community?

Answer. There doubtless was; still, so far as illicit distilling and other lawlessness are concerned, there is no politics in it.

Question. I was going to ask you in regard to that, whether among those various parties engaged in this illegal business there are men of all political parties?

Answer. I do not think there is any politics in it at all.

Question. Members of the democratic party, so-called, and members of the republican party, so-called, are equally engaged in this unlawful traffic?

Answer. Yes, sir.

Question. In this combination to protect them, is there not the same mingling of political sentiments among the individuals?

Answer. I do not know that I apprehend that question.

Question. You have stated that this illicit distilling is carried on among these people without regard to their political affiliations?

Answer. Yes, sir.

Question. You have also stated that these combinations of men to protect them exist, and that acts of violence are committed by them to punish informers, such as in McCoy's case, &c.?

Answer. Yes, sir.

Question. I will ask you now whether these combinations to protect are not as much mixed as to party as the people who carry on the business are mixed as to parties?

Answer. I have no doubt that is the case.

Question. You have heard a great deal of these whippings and shootings in this section of country where these things are carried on, such acts as the destruction of McCoy's house. Do you consider that there is a particle of political significance to be attributed to them, or do you not lay the whole thing at the bar of illegal traffic in distilled spirits, and a desire to protect themselves?

Answer. I have no doubt that the greater part of it is simply from a desire to realize a profit by swindling the Government, and that a great many of them have no politics at all. Up there in Northeastern Georgia half of them do not know yet that Jackson is dead.

Question. State the counties where this feeling exists; are they along the borders of Tennessee, North Carolina, and Alabama?

Answer. Yes, sir.

Question. As well as in the mountainous regions across the northern part of the State?

Answer. Yes, sir; the revenue officers in North Carolina run them over into my district, when they get after them, and then I get after them in my district and run them back into North Carolina.

Question. Old McCoy, you say, was one of these informers, and they got after him for having given you this information?

Answer. That is my opinion.

Question. Do you not know that the greatest difficulty of the United States Government in collecting taxes all through the United States is in connection with the two branches you have mentioned, distilled spirits and tobacco?

Answer. O, yes, sir; there is not much else left now since the act of July 14, 1870.

Question. Do you not know that in the city of Brooklyn it required at one time as many as 3,000 United States troops to take possession of illicit distilleries there, and that within the last eighteen months?

Answer. I have seen frequent statements in the Revenue Record of the employment of troops and militia.

Question. I mean of troops in large numbers.

Answer. I was not aware that so many have been employed; I have frequently seen that very considerable numbers have been employed to assist the revenue officers in the city of Brooklyn; I have not seen an account of so many having being employed.

Question. I may be wrong in my figures.

Answer. I have noticed in the Revenue Record an account of the police of the city having been called upon, and also of the marines in the navy-yard having been called upon.

Question. Without stating the numbers, about which a man may make a mistake, I will ask you whether you have information of the fact that the military under the control of the United States, troops from Fort Washington and other forts around New York, were concentrated, and made a regular campaign against the illegal distillers in the city of Brooklyn?

Answer. There has been a state of war going on there for the last three or four years.

Question. Were not the illicit distillers in that town entirely beyond the reach of the civil officers and beyond their control?

Answer. It would seem so. Of course my knowledge of that is only derived from what I have seen in the papers, and particularly in the Revenue Record, which is an official paper.

Question. In this committee we have not confined witnesses to their own knowledge at all; they have been permitted to speak from reliable information.

Answer. I have been very much surprised at the inability to break up illicit distillation in Brooklyn. I have said that if I had charge of that district I thought I could break it up. Here, where I have so much territory to go over, in which to ascertain the hiding places, I have always thought I had a very good excuse for not breaking them up. But it has been very unaccountable to me that it was not done in Brooklyn.

Question. Have you any idea that you have anything like the opposition to contend with here that they have in the city of Brooklyn, or that you, with one-fifth of the force they have had, could not break up this thing?

Answer. I think if I had about twenty-five or thirty men under my command for six months, I could clean out the last one of them in my district.

Question. You think a squad of twenty-five or thirty armed men could break up any place?

Answer. They could go where they pleased.

Question. Granting the fact that you had an efficient force of twenty-five or thirty well-armed men, to assist you, at your control, do you believe that you could root out and break up this illicit distillation through your district?

Answer. Yes, sir.

Question. That being done, would not all these illicit combinations and acts of violence committed by them also be rooted out: would not the removal of the cause also remove the effects?

Answer. I should think so, so far as I know.

Question. I want your judgment on that subject. We are compelled to state somewhat hypothetical cases; I wish to have from you, as a responsible and intelligent man in the confidence of the Government, your opinion upon that subject based upon your experience and practical observation.

Answer. I should think that would be the case. These people are very ignorant, and they have become very greatly demoralized from the fact that the revenue law never has been enforced there; the Government has not furnished us with the means to do it. There has been illicit distillation going on there to my knowledge for twelve or fifteen months, and not a single effort has been made during that time to suppress it, except the regular assistant assessors, and they would not say anything about it, but go on and assess what tax they could under the law and return it, and, in my opinion, they could do nothing. Now the whole community has become demoralized. The moral effect of sending troops over the country has a tendency to break this thing up. I had a gentleman from Union and Towns counties on the North Carolina line, visit me a day or two ago, a Mr. Redwine, of the Unionville Eagle. He says they have held meetings in those two counties, and resolved that there shall be no more illicit distillation there, with the hope and understanding that we would not send troops there, and would give them a sort of amnesty for what is passed. That is the proposition; of course I could enter into no such arrangement as that.

Question. The disposition of the people there is to stop it?

Answer. Yes, sir. From the county of ——— parties have come to me and said that if I would not send troops there to give them trouble, they would see that there was no more illicit distillation there, or if there was, they would furnish the evidence to convict and punish them.

Question. Have you had any trouble in Walton County in regard to these things?

Answer. Very little.

Question. Has there been a man reported to you in that county of the name of William Felker?

Answer. I think he is up on the line of Gwinnett.

Question. The reason I have asked you about him, is this: we have had a number of colored people here who have been whipped in that vicinity, and all of them have named Felker as one of the persons aiding and abetting, or actually committing outrages upon them. And they also have said that he had an illicit distillery there.

Answer. Yes; but he is on the line of Gwinnett County. It is not a name that I have been very familiar with; he is rather a new offender. There are certain persons I have heard of within the last three or four years.

Question. Have any of these colored people from Walton County been to you to make complaints of this thing, and to tell you how they have been whipped?

Answer. No, sir; I think they have called upon the collector, however.

Question. What is the general description of the cases that come to you, where they have been whipped? Do they say they have been taken out of their houses at night and whipped by these people and told to keep still?

Answer. Yes, sir; they have been taken out of their houses for one reason or another.

Question. It was in connection with this business you have mentioned?

Answer. Sometimes it was.

Question. If there is anything you think you should state, you can do so. I have stated to you very generally the object of this investigation, but not having had any opportunity of conversing with you, I am not aware of the particular points to which to direct your attention. If you can contribute further to our information in regard to the condition of society here, or the remedies for any trouble which you consider to exist, I wish you would do so.

Answer. I will state that I think the remedy would be the school-master; I think that is what we need more than anything else.

Question. To remedy the ignorance of the people?

Answer. Time alone can heal the feeling between the colored and the white races. It is a want of adjustment of the two races, their rights and duties and privileges, and all that, that is creating a great deal of the ill-feeling now; no doubt about that. It will take time alone to rectify that. No doubt in many instances the negroes are insolent and very exacting, and demand certain rights without knowing exactly what their rights are. The white people are exceedingly arrogant, and not accustomed to such treatment, and are not willing to listen to them or grant them the rights they ask.

Question. Do you not find that a great deal of injury has been done by many of the negro preachers who are undertaking to lead their people and become instructors?

Answer. Well, I do not know.

Question. By combining religion and politics?

Answer. I cannot say that; so far as my experience goes, (we have three or four here in town,) they are very good men.

Question. All that you know?

Answer. Well, yes, I should say so. Well, there is one man here they call Andrew Jackson, that was considered somewhat turbulent.

Question. He is here in Atlanta?

Answer. Yes, sir; I have heard that he has sometimes made violent speeches.

Question. Are you personally acquainted with many of the negro preachers?

Answer. Well, I know three or four in the city; at least, the leading ones. Frank Quarles and Joseph Wood I consider the two leading ones here—the one a Methodist and the other a Baptist; they are the most able men among them, and I believe they are both men of good character.

Question. Joseph Wood is a man of good character and a quiet man?

Answer. Yes, sir.

Question. Does he mingle much political instruction with his religious teaching?

Answer. Very little. He votes the republican ticket generally, but at the last election he did not vote. He told me that he had been told it would injure his business if he voted. He runs several drays in the city, and some of the merchants for whom he drayed notified him, so he told me, that if he voted the republican ticket it would be to his injury.

Question. Intimating that they would withdraw their patronage from him?

Answer. Yes, sir.

Question. You say he is one of the best of these men?

Answer. I think he is a good-meaning man, moderately intelligent, and a good, safe man.

Question. Have you named those who are known to you that are conspicuous for their good sense and good feeling?

Answer. I think Wood and Quarles two of the best men we have in this city; they are the only two that I am intimate with. I know Jackson by sight; he has been reported to me as having made violent speeches, as being rather turbulent than otherwise.

By the CHAIRMAN:

Question. You have been asked as to the influence of the colored preachers in keeping up an unfriendly state of feeling. Will you please state what has been the influence of the white preachers in the same direction?

Answer. Well, I have no doubt that it has been about tit for tat. There have been too much politics and animosity coming from the pulpit, even from the white preachers.

Question. Have you ever heard them rebuked or reproached, especially in democratic quarters?

Answer. No, sir.

Question. Do you know what was the feeling before the war toward the negro preacher, in times of slavery?

Answer. Well, I could hardly say. My experience in the South before the war was in Northern Georgia, where there were not many negroes, not enough to create any particular feeling.

Question. Is the feeling against these negro preachers because of their personal character, or want of character, do you think, or is it because they are leading, prominent men, in whom their race confide?

Answer. Well, sir, it might be from both causes. I have no doubt there are some of them who are ignorant, and consequently a little violent and aggressive. But then they are objected to very materially because they are to some extent representative men; there is no doubt about that. They exercise a political influence over their race; they are generally a little better educated than the mass of the negro race, and frequently capable of giving good advice, and do give good advice.

Question. Are not many of them intelligent, prudent men?

Answer. I think, so far as my knowledge goes, a majority of them are intelligent, prudent men?

Question. Men capable of giving to their race wise counsel?

Answer. So far as my experience goes, I think a majority of them are.

Question. Has it been very largely owing to their counsel that the negroes have committed so few acts of violence, that, as many witnesses have testified here, they have borne themselves in a manner that has excited the admiration even of their opponents?

Answer. I could hardly state upon that point. I think, however, that the general tendency of the advice of negro preachers is good.

Question. You have been asked upon the subject of education; what is the feeling of the community with respect to educating these colored people?

Answer. I am sorry to say that it is rather averse to it.

Question. Have you reliable information of their school-houses having been burned?

Answer. I have heard of several.

Question. And of their churches having been burned?

Answer. Yes, sir.

Question. And of their teachers having been scourged and driven away?

Answer. I have heard those things.

Question. In your judgment, what would be the social standing of any person, without respect either to sex or personal culture and cultivation, who should engage in teaching a colored school in the State of Georgia?

Answer. They would be just ignored entirely, so far as their social standing is concerned.

Question. It would be sufficient to exclude them entirely from what is called society?

Answer. Yes, sir; even republican families of reasonably good standing dare not recognize them, for by so doing they would exclude themselves from society.

Question. The ostracism extends not only to the teachers themselves, but to all who recognize them?

Answer. Yes, sir.

Question. How do you account for that?

Answer. The same old prejudice against the negro race; the one race has recently been slaves, and the other race recently their masters.

Question. People who go as missionaries to the heathens, even to the lowest type of heathenism, would not lose caste thereby?

Answer. They would not lose caste at home, neither would these teachers from New England lose caste in New England, but the missionaries might lose caste in China.

Question. Suppose persons who had been engaged in teaching the most savage tribes all their lives should return here, would they thereby lose caste in Georgia?

Answer. No, sir; if they came back here they would not, of course.

Question. Can you understand why they should lose caste by attempting to elevate what is regarded as an inferior race here?

Answer. It is simply unexplainable, except, as I remarked awhile ago, that it is a prejudice against Yankees; the southern people have a prejudice against Yankees. Secondly, they say they come down here and give bad political advice to their former slaves. The charge is that they mix politics with their education. They have no confidence in them any way; consequently they are held in very great disrepute, very much as a man who would preach abolitionism was looked upon in the time of slavery.

Question. How comprehensive is the term "Yankee," as used in this section of country?

Answer. It is very comprehensive indeed; I believe it means everybody north of the Ohio River. I have been called a Yankee many times, though I never was in New England in my life.

Question. It is not a term of local application to New England?

Answer. No, sir; it is applied to the whole non-slaveholding States.

Question. You have been asked about the subject of amnesty for political offenses. The persons who are under disabilities are the old officials who went into the rebellion and who are inhibited from holding office?

Answer. Yes, sir.

Question. Do you think it would be wiser to remove those disabilities and remit the State into the hands of the men who involved it in the rebellion, or to so adjust mat-

ters that whichever party might prevail the affairs of the State should fall into the hands of men who had never been so engaged—new men?

Answer. Well, I doubt very much whether the affairs of the State would fall into the hands of those men. I think there is a conservative tendency in another direction.

Question. Then, in expressing your opinion on the subject of amnesty, you did it supposing that it would not have the effect of remitting the State practically into the hands of the same men who carried it into the rebellion in the beginning?

Answer. That is my opinion. A great many of the men I would not be willing to risk with the affairs of the State. I would not risk Robert Toombs, of this State, at all; I believe he would rend this Government into a thousand fragments in a minute to-day if he could do it.

Question. You have been asked in regard to cases of violence. State whether, in your opinion, there is or has been an organization who have gone about at night, armed and in disguise, committing various acts of violence, organizations known publicly as Ku-Klux.

Answer. I have no personal knowledge of such a thing as the Ku-Klux organization. I have received three or four anonymous letters signed as such, giving me a certain length of time in which to leave the State, and making dreadful and divers threats of what would happen to me if I did not do so. I showed them to my friends and laughed at them, and threw them aside, and that was the last of it. It may have been a joke perpetrated by some one, but I do not believe so. I believe we have an organization in this city; I do not know it.

Question. Does your mind turn upon any one as probably the leader of the organization in this city?

Answer. Well, yes; I have formed the opinion two or three times that a certain person was the leader or one of the leaders; he is now our city attorney.

Question. Do you connect these acts of violence that you have referred to in connection with illicit distillation with the Ku- Klux organization?

Answer. Yes, sir, in this district; I think the Ku-Klux organization has different significations in different portions of the State.

Question. So far as you know or have heard, can you mention a single act of Ku-Klux violence upon any one excepting colored men, white republicans, and such democrats as openly took grounds against them, and attempted to suppress them and bring them to punishment?

Answer. No, sir, I cannot.

Question. You were asked whether these organizations were not composed equally of one party and the other; do you know of any republicans being in the Ku-Klux organization?

Answer. I have no doubt that in Northeastern Georgia these combinations to defraud the Government are made up of parties who vote on either side; still, I do not know individually of such cases. When they come up here it is claimed by their friends and others that they are republicans and have voted the republican ticket; they are broadly and clearly violators of the law.

Question. What do you mean by "when they come up here;" do you mean when they are brought up before the courts?

Answer. Yes, sir.

Question. Do you mean Ku-Klux or illicit distillers?

Answer. Illicit distillers.

Question. I am not asking about illicit distillers, but about the Ku-Klux.

Answer. Well, I connected the two together in part. So far as I know, nearly all of the illicit distillers belong to this organization called Ku-Klux, or something of that kind, and they use it for their mutual protection and benefit; that is principally what it means in Northeastern Georgia. I do not believe they connect politics much with them there. They have an organization in those neighborhoods, and they use it for their mutual protection and benefit.

Question. Is Floyd County or Chattooga County in your district?

Answer. Yes, sir.

Question. Is it your opinion that the Ku-Klux operations in those two counties——

Answer. I think they are quite different from what they are in Northeastern Georgia; I believe the Ku-Klux organization there has a political significance.

Question. You have been asked about the action of the Government in sending United States troops into the city of Brooklyn to suppress lawlessness. Have you ever heard in that connection any complaint about the rights of the States to local self-government being interfered with?

Answer. Yes, sir.

Question. By sending troops into Brooklyn?

Answer. Yes, sir; in sending troops here it is talked about. We are in constant danger of having our officers indicted. My assistant assessor last winter was indicted.

Question. Whom did you ever hear complain of State rights being endangered by sending troops into Brooklyn to suppress illicit distillation there?

Answer. I have simply seen articles in some papers to that effect.

Question. Some of the democratic papers?

Answer. Yes, sir. I think there was an article copied into the Revenue Record a few months ago from some paper, in which that matter was argued by the writer.

Question. What has been the tone of the democratic press in this State in reference to these acts of lawlessness and violence?

Answer. As a general rule they have attempted to ignore and deny them.

Question. What has been their tone towards all efforts made looking to their suppression, either by the courts or otherwise?

Answer. They are looked upon as acts of aggression, as interferences with the rights and privileges of the citizen.

Question. Denouncing the law and shielding the lawless?

Answer. Yes, sir; that is about so in many instances.

By Mr. BAYARD:

Question. Do you mean that there have been no expressions of condemnation of these acts of violence by the democratic press in Georgia?

Answer. There have been some, but they are generally rather in the abstract; they pitch into rascality in the abstract; they do not take up any particular case and denounce it. I see very few instances of their denouncing particular instances of wrong. They moralize upon wrong. I have seen very good moral articles in democratic papers; they moralize very largely against wrong and violence in general.

Question. Have you not seen constant denunciations of lawlessness in all its shapes in all those papers?

Answer. Well, there is not so much of it as there ought to be, nor so much of that sort of writing as there should be in the democratic press of Georgia. They are too much inclined to look over it if it is on one side.

Question. You have been asked something in regard to this question of invasion of State rights when the military forces of the United States are used to aid the civil officers of the United States in breaking up illicit distilleries, as in Brooklyn, for instance. I do not remember your answer on that subject; but I will ask you to read this extract from a letter of Governor Palmer, of Illinois, stating his objection to the action of Lieutenant General Sheridan and others in dismissing the city officers during the late terrible fire in Chicago, and substituting their own authority instead, whereby it seems the death of a citizen resulted. Have you seen anything stronger in this State than this upon the subject of State rights?

"I think you will perceive that it is the duty of the governor and attorney general, and all other officers, to see that laws are enforced against all parties concerned in these illegal and dangerous acts. It is not necessary in determining upon the line of duty to be adopted, to inquire whether the mayor of Chicago, Lieutenant General Sheridan, and Frank T. Sherman, and his associates and supposed subordinates, who were the agents by which the death of Grosvenor was produced, in assuming powers they did not possess and which cannot be conferred upon them, were influenced by proper or improper motives or purposes. They assumed to suspend the operation of the constitution and laws of the State and substitute in their stead law and military force, to be defined and applied by themselves. They, by their lawless acts, attacked and insulted the dignity and authority of the State, and have by their dangerous example weakened the public confidence in the constitution and laws, and in their attempt to enforce the usurped and lawless authority, they have sacrificed the life of a peaceable citizen. Animated by the confidence I have thus expressed, and confident in the belief that the State of Illinois, acting through the proper departments of the Government, is capable of protecting its own people and of enforcing the dignity and authority of its own laws, I have to request that you, in conjunction with the State's attorney of the seventh circuit, will bring all facts before the grand jury of Cook County, in order that all persons concerned in the unlawful killing of Thomas W. Grosvenor, may be brought to a speedy trial."

Answer. Well, I do not recollect that I have.

Question. That, you are aware, is the assertion of the republican governor of the State of Illinois, under the pressure of a great emergency?

Answer. Yes, sir.

Question. You have no recollection of anything stronger than that in this State?

Answer. I have heard a great many violent expressions.

Question. I am speaking of the declarations by the press in regard to State rights?

Answer. As a general rule, in the democratic press you see nothing more than old Jeffersonian doctrines.

Question. Not more strongly stated than this?

Answer. No, sir.

Question. You were asked by the chairman whether the instruction of the negro people in schools did not bring a social stigma upon those engaged in teaching. That was the effect of his question, though not his language exactly. I understood you to

answer him in the affirmative. I will ask you this question: Do you know of any of your own citizens, native Georgians, people of acknowledged position socially among you, who do engage in the business of aiding in the instruction of the negro population, and who lose the respect of no man for so doing?

Answer. No, sir; there is simply no such class here; the native population of the State, as things now stand, would not engage, and do not engage, in such things.

Question. I am asking you now the question. I will proceed, presently, to give you an instance that I think you are aware of.

Answer. I do not know of an instance in which a native Georgian has engaged in teaching colored schools.

Question. Do you know the Reverend Charles Howard, editor of the Plantation here?

Answer. Yes, sir.

Question. What is the estimation in which he and his family are held in this community and among native Georgians?

Answer. Very high.

Question. Is he not considered a pure-minded man?

Answer. Yes, sir.

Question. A man of ability, and generally respected?

Answer. Yes, sir, a man that is generally respected. He stands socially very high.

Question. Are you aware of the fact that his daughters taught steadily negro schools in their own place, and did it gratuitously?

Answer. No, sir.

Question. If Mr. Howard had told you that fact would you believe it?

Answer. I should say it was so.

Question. Would you not have implicit confidence in any statement that he would make?

Answer. Yes, sir.

Question. He has so stated to this committee on oath.

Answer. In rather a small way, was it not?

Question. I cannot tell you the number of the scholars; the instruction was not confined to the negro children of his own family; and what the location of the school there may have been, whether in his own house or not, I do not know. But his daughters were engaged in instructing the negro children of that neighborhood, as was stated by him here.

Answer. I can see very clearly how that could be done, and still without any sort of claim whatever. I have no doubt the daughters of Robert Toombs, if he had any, could engage in such an enterprise and be very much lauded; but the negroes would not get much benefit; it would be in a very small way and not amount to much.

Question. What do you mean by that?

Answer. They would not engage in an institution established for that purpose regularly, where there were teachers from different parts of the world. For instance, in this city there is a school called the Atlanta University; I am one of the trustees of that university. They could not be induced to teach in that for any consideration. Neither the wealth of Georgia nor of the United States could induce them to go into that university and teach there with other teachers from Massachusetts, Vermont, and Maine.

Question. They would choose their associates when they engaged in the business; is that what you mean?

Answer Yes, sir; they would do it in a certain way and for a certain purpose.

Question. But in their own way and at their own time they would engage in this very occupation, and would be rather lauded for it than despised?

Answer. I have no doubt of it; I think that is possible.

Question. Do you know of the condition of negro schools in the adjoining county of De Kalb, where land and pecuniary aid have been given to establish negro schools by native Georgians who are not approvers of the policy of the republican party?

Answer. I believe I have heard that Mr. Alston and Mr. Howard and others down there have been instrumental in getting up schools.

Question. Have you not been credibly informed, so as to leave upon your mind the impression of verity, that those gentlemen did donate land and establish of their own will and with their aid a school for negro children and negro people, which is now in existence and has been for several years?

Answer. I know but very little about it, I simply heard the fact that they had done something, but whether they donated land or not I do not know.

Question. A great deal you have stated has been upon information; I merely ask you to give the same effect to rumor and hearsay that is favorable to the people of this State that you give to that which is unfavorable.

Answer. My family are here, and I generally stay here myself. I claim to be a Georgian; all I have is here; and I shall say everything favorable to the people of Georgia that I can.

Question. Are the facts as I have stated?

Answer. I do not know what the facts are. I have heard that there was a little school down there supported or gotten up by Mr. Alston, if I recollect aright. Mr. Alston came to me once to use my influence with the Freedmen's Bureau to get a little money to assist them in maintaining it.

Question. Was it not built on his land?

Answer. I think he told me so at the time; I do not recollect much about that; I have not heard it spoken of for a year or more, that I recollect now.

Question. You were asked by the chairman whether, in your opinion, it would be wise to hand back the control of the State of Georgia into the hands of the men who precipitated her into secession and rebellion. I will ask you whether among the men now disfranchised by the Constitution of the United States there are not a great many who fought secession at every step?

Answer. I judge there are some.

Question. Do you not know that there are among those men now some of the most prominent men who opposed secession at all stages until it became an accomplished fact?

Answer. Well, sir, Alexander Stephens himself opposed it; I myself heard him make a speech, which I thought was the best speech I ever heard in my life, at Dalton, in 1861.

Question. My question is a broader one than simply in regard to an individual; I am referring to many men known as old Union men, who opposed secession and afterward became stanch supporters of their State.

Answer. That are now disfranchised? I do not recollect an instance that I now think of. I do not know but John J. Thrasher and others——

Question. Does the name of Mr. Benjamin H. Hill occur to you in this connection?

Answer. Ben. Hill was understood as opposing secession; he did not fight it, however, as some others did.

Question. There were a great many men who are included in that disfranchising clause who did their best to keep the State in the Union to the last?

Answer. Yes, sir; I have no doubt about that; and for that and for other reasons I am in favor of amnesty.

Question. I understand you to say that, with your knowledge of the sentiment of the people of Georgia, you do not feel that there is any danger of the class of men who were foremost in plunging the State into rebellion regaining the control of the State in case of a measure of amnesty?

Answer. Well, sir, as things are now going I do not think so.

Question. As a matter of fact do you not believe that they have rather more influence in affecting public sentiment unfavorably while they are disfranchised than if that cause of complaint were removed altogether?

Answer. Yes, sir.

Question. I mean that their power to create discontent is greater as they are than it would be if a measure of amnesty should be adopted.

Answer. That is my opinion; I think their power to do mischief would be very little if amnesty was granted to them.

Question. Do you believe that among other beneficent effects of amnesty would be the removal of that power from their hands?

Answer. I think so.

Question. You were asked by the chairman a question which involved the charges of burning churches, school-houses, &c., and I understood you to give an affirmative answer. Can you give the dates and occasions when those things took place; do you mean to state that such things have been frequent and common in this State?

Answer. Well, sir, in 1867 and 1868 they were very common; there was hardly a neighborhood, until the matter was talked about a great deal, where they were willing to establish colored schools.

Question. Let us come down to within two years of this time. What is your statement upon the subject; have such acts of vandalism now ceased?

Answer. I think there is a tendency in that direction, as I have remarked before.

Question. Is the sentiment of most of the people of Georgia against it?

Answer. I think it is becoming so. I think it is getting in that direction. There are a great many neighborhoods where a colored school would not be tolerated at all now; I know there are such in my district; but there are neighborhoods where they are inaugurated by the citizens; there is a growing tendency in favor of liberality; there is no doubt about that.

Question. You were asked whether the presence of negro preachers, and the counsel they ordinarily gave to their flocks, were beneficial, and whether, in your opinion, they were wise leaders of their people. Do you consider that their influence over their flocks, or the wisdom of their counsels, has been increased by their engaging in politics and their running for office themselves?

Answer. No, sir, I do not think so.

Question. Has that not detracted from their influence?

Answer. I think they have run for office in instances where probably they should not have done so; but nevertheless they are considered by their friends as their repretative men.

Question. I am not speaking of what they are considered, but of the benefit they are to their race when engaging in those occupations.

Answer. I think they would have been of more benefit to their race, as things are here, if they kept from office.

Question. Are they formed of such material as should construct the laws of the State?

Answer. No, sir.

Question. Have you not considered, therefore, that they have injured their people and impaired their influence by engaging in such occupations?

Answer. Just the same as any ignorant men aspiring for position for which they were not qualified.

Question. Do you not know that it has been the object of most of the negro preachers to elect themselves to office?

Answer. There has been too much of it done; no doubt about that; but it was human nature.

By Mr. LANSING:

Question. You spoke of men in Georgia who opposed secession, and who are now disfranchised; Mr. Stephens, I believe, was referred to as one of those. Did he not oppose the adoption of the ordinance of secession in this State?

Answer. Yes, sir.

Question. Is there a man in the State who, in your judgment, by his influence and his teachings is more ultra, or who does more to prevent the restoration of harmony and good will, than Mr. Stephens?

Answer. I think he is doing good service right now in this: that he will certainly secure the election of General Grant for President in 1872. He is doing the democratic party in this State and everywhere else vast injury. I look upon his teachings as of the most dangerous character, and I believe that his own party think such is the fact.

Question. You mean that he answers the purpose of a dreadful example?

Answer. Yes, sir.

Question. His teachings, if followed, would be very dangerous to the democratic party, and they begin to see it?

Answer. Yes, sir; they begin to see it. His teachings tend to disintegration and disorder; they know they cannot succeed by following his course, but I think there are many in this State who would follow it if they dared to do so.

Question. Your desire to extend clemency and enfranchisement to Mr. Stephens is not from any personal deserving of his, but from its general effect upon the tone and temper of the rest of the citizens of the State?

Answer. Yes, sir, that is it; not that he is deserving of any particular clemency himself, but there are many who are. Now, Uncle John Thrasher, as he is called, is a man of very good character. He opposed secession, and afterward helped to carry it along. He is a very popular man, and it would be a benefit to extend clemency to him; it would make votes in support of the Government. I think there are a great many such men.

Question. A Mr. Howard has been referred to, who was a witness before us. You think he would not consent that his daughters should go into this colored institution here and teach?

Answer. By no manner of means.

Question. Nor his sons?

Answer. No, sir.

Question. Is that because they would be mingling with what are generally stigmatized as radicals?

Answer. That would be it in part; and then it would be engaging regularly in the instruction of negroes.

Question. As a regular and thorough system?

Answer. Yes, sir.

Question. Do you know that that gentleman entertains the liberal and Christian idea that slavery is essentially right, and that it has been a damage to the slaves of this State to be emancipated?

Answer. No, sir; I do not know his private opinion on that subject.

Question. You, of course, did not hear his evidence before this committee?

Answer. No, sir.

By the CHAIRMAN:

Question. In connection with what you have said about negro preachers seeking office, I would like to ask you whether white preachers have a great deal to say about politics, and whether they have been seeking office?

Answer. The white preachers have had too much to say about it.

Question. Was not that so before the war, and during the war, and ever since?

Answer. Yes, sir, it always has been so. I have talked with many persons here who are strong members of certain churches, and among the pillars of the church, and they would freqently speak of northern preachers mingling in politics. It has been claimed here, universally, that nearly all the New England preachers are politicians. The subject is frequently mentioned and talked about. At the same time our southern preachers are politicians, certainly; but that is all overlooked; they do not seem to appreciate that at all. I tell them that our preachers here are as much politicians as New England people, but they could not see it; I cannot get them to acknowledge that fact. I can hear them promulgate political ideas in their pulpits continually.

Question. State whether or not the white preachers of the South, previous to the war and during the war, were the most violent and the most efficient agitators in the community?

Answer. Well, I believe they were the best recruiting officers that we had.

Question. You heard no complaints made of them by those folks who were complaining of negro preachers?

Answer. No, sir.

Question. I understand you to say that those ladies who were engaged in teaching negro children would do it in their own fashion, and for a purpose, but would not engage as teachers in a colored school that was established and generally recognized as such?

Answer. No, sir, they would not.

Question. Whether with other people or by themselves?

Answer. No, sir; I think they do it simply for the purpose of notoriety. That is my opinion.

Question. Not because they believe the negro should be educated or have the benefit of instruction?

Answer. No, sir.

Question. Do you know whether a persistent attempt has been made here by certain politicians and their friends to create the idea that they were the best friends that the negro had?

Answer. O, yes, sir; I have heard that talked about all the time.

Question. That has been a very constant attempt with the democratic party, has it not?

Answer. Yes, sir.

Question. State whether these supposed instances of teaching are in the same direction, and a part of the same general system of operations, in your opinion.

Answer. Yes, sir; it grows out of the same sentiment.

Question. You have been asked about this school over in De Kalb County. Do you know whether a clergyman came there from the North to teach the school, and was entirely ignored by the other clergymen in that community?

Answer. No, sir, I had not heard that.

Question. And afterward he was a candidate for a small office, was defeated, of course, and the result was that he felt constrained to leave the place?

Answer. I do not know that.

By Mr. BAYARD:

Question. You spoke of ladies who engaged in teaching negro schools in their fathers' houses, or in other localities more remote from town; or rather you were asked respecting it, and you said you had no knowledge of their doing it. I then instanced to you one case that had come to my knowledge—that of Mr. Howard's daughters. Have you any reason to suppose that the gratuitious instruction imparted by them to the colored children upon their plantation was for the purpose of notoriety, as you just now stated; do you feel, upon reflection, that it is just to say that?

Answer. In this particular case I would not like to give that as an instance at all. But I think that is what it is generally done for.

Question. Then, do you say that the teaching has generally been of that character?

Answer. Well, in that way. When the question was asked me I understood you to mean this, with public schools open for the colored children generally to attend. If there are such schools as that established by southerners I was not aware of the fact. I knew that there were here and there about the country little spasmodic efforts made to teach the colored children by the most influential citizens, but generally those of their own household. My own opinion has been that it was for purposes of notoriety; not always so, I hope.

Question. The case I have mentioned is not sufficiently notorious to have come to your knowledge?

Answer. I have great respect for that family, what I know of them. I look upon the Reverend Mr. Howard as a high, honorable man. I do not know his daughters, but I

can hardly think that they would do an improper thing in any way, from what I know of the family. Still, I guess they have a little vanity like the rest of the world.

Question. That is the motive that you attribute to those people for that instruction?

Answer. I think so.

Question. That is without knowledge of those ladies, or what they have done, beyond what I have told you?

Answer. Yes, sir.

Question. Are you aware that this general instruction, which you say consists in spasmodic efforts through the country, and by your prominent citizens, is entirely gratuitous?

Answer. I think it is.

Question. Are you aware that the instruction given by tutors and teachers in your university is gratuitious, or are they compensated for it?

Answer. They are paid a small sum, $15 a month, I think; it is a very small sum, a merely nominal sum.

Question. And the whole of this voluntary system of gratuitous instruction on plantations you attribute to motives of a desire for notoriety?

Answer. I should not say the whole of it; but, as a rule, I would say so.

Question. That is your sentiment?

Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 7, 1871.

JOSIAH SHERMAN sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation?

Answer. I am fifty-three years old; I was born in Bennington County, Vermont, and I reside in Fulton County, Georgia, at present; I am a mechanic by trade.

Question. When did you first come to Georgia?

Answer. In the fall of 1865.

Question. To what part of the State?

Answer. I landed at Savannah.

Question. Where did you first make your residence, and how were you engaged?

Answer. In Augusta, or in the vicinity of Augusta, in Richmond County, in planting cotton, in 1866.

Question. State how you were received there?

Answer. I was received in Augusta cordially, and introduced to the first men in the city, and treated as well as I wish to be treated by any people for perhaps six months. I arrived there first on Christmas day, 1865, and the second time about the fifth of January, 1866. It was about six months before I really felt that there was any feeling otherwise than what had been shown me during the first part of the year.

Question. Did you find a change at that time?

Answer. I felt that there was a change.

Question. How did it manifest itself?

Answer. Well, in various ways. In the first place I might say it manifested itself by their making use of expressions that I was trampling upon their rights—their old established customs. I had from sixty to eighty persons on my plantation whom I supported; many of them were young. I established a Sabbath-school on the plantation; I had preaching on the plantation once in three weeks, and I had an evening school during the week. But in no case did I take time or interfere with my daily business in connection with that. Out of that grew the feeling that I became aware was ripening into something pretty heavy for me. At first I had no idea that there could be any objection to my having Sabbath-schools and preaching, and providing for the education of the colored people there. But, as I said before, after a time I found a different feeling manifesting itself. I will state a little incident that took place that was very violent, in fact one of the most violent acts that occurred about that time. I think it was on the 6th day of February, a doctor came on to my place, (by-the-way I cannot recollect his name,) and wanted me to hire him to doctor the laborers and their families through the season. He said it was customary, and always had been, to let that out by the job. I told him I had nothing to do with it; that the colored people were free, and had a right to make their own bargains; that I should make no bargain for them of that nature. He bargained with the colored men, and some of them were to give him $2 50 a year for the doctoring of themselves, and others who had families were to pay him $5, $8, or $10, according to the number in the family. They made their own bargains, and signed their marks to the agreements. After that was done he came to me and wanted me to be responsible for his pay. At first I declined to do so, but finally I found that it was the choice of the

colored men that I should become responsible and make the doctor feel that he was sure of his money. I allowed myself to be responsible so long as they worked and remained with me and all went satisfactorily. I agreed to pay him once a quarter. Here is what I am at particularly now: the agreement was that I should pay him once a quarter. That agreement was signed upon the 6th of February. On the second day of April he came to me and wanted his quarter's pay. I told him I did not understand it in that way; that I would pay him for two months if he was hard pushed. He said he was, and must have some money. I paid him for two months, and took his receipt. When he got his money he put it in his pocket and said, "See here, this don't pay me. This is not a full quarter's pay." I said, "It is as far as the bargain has been complied with upon your part; I do not admit that the quarter is out, and I will not pay the rest of the quarter until another month has run out." Said he, "Mr. Sherman, you have paid me for only two months; there is another month's pay due, and, by God, I will have the money." I said to him, "Well, sir, I have paid you according to the agreement; I have your receipt, and you have your money; now we had better let this thing pass until the next three months are up and then I will pay you for the quarter." He said, "No, by God, that don't suit me; I will have my money." I said, "Well, sir, how will you get it?" Said he, "I know how I can get it, and I will have it." He then began to call me names, called me a damned radical; that was the first I heard of anything of the kind. How he knew I was a republican I do not know; I had taken no part in politics, and had told nobody that I know of that I was a republican. He said "Well, the understanding was that I was to have my pay once a quarter." I replied to him, "Well, when the quarter is up you will have it." He said, "Well, the quarter of the year is up." I said, "Yes, but you have only been occupied here two months of the year." He said, "Well, I don't care a damn about that; I will have the money." He still persisted in calling me various names. I said to him, "Look here, Doctor, you have allowed yourself to call me a great many names, and I have not resented it; they are very unpleasant to me, and yet I have not resented it. Now, it looks to me as though all you were after was to get a month's pay out of these colored people that does not belong to you." He said, "God damn you, do you mean to call me a swindler?" He ran me up against the side of the building. I was then on the piazza; he grabbed me by the throat, and tried hard to choke me down I happened to be a little the strongest, and I gathered up. When he found my strength, he let go of me and ran to the end of the piazza and picked up a club that was there, and said, "God damn you, I will break your head open, you God damned scoundrel;" just in that way. My wife happened to be sitting by the window, and threw the blinds open, and said, "Doctor!" He said, "Oh, I beg your pardon; I always hold myself in self-respect before the ladies." Said she, "If you have any respect for ladies, let my husband alone; that is all I ask of you." In an instant he gathered again, and came at me with his club. I made no move, but stood there very quietly, and he swung his shillelah over my head several times, but did not happen to hit me. After I saw he was determined to have a fuss, I said, "Look here, Doctor, just hold on and be quiet; perhaps we can settle this matter right here." Said he, "You can settle it by paying me." I said, "Suppose we leave this thing out." He said, "Well, I will leave it out." I said, "To whom will you leave it?" He said, "I will leave it to Jack Phinnessy." I said, "Suppose you leave it to the old gentleman, John Phinnessy." He said, "Well, I will leave it to him. Get right in with me and let us go down there." I said, "No, sir; you may go down and tell him your story, and in two or three days I will go down and tell mine, and then I will do just as Phinnessy says." He then left me and went off. I was down there in two or three days and saw Mr. Phinnessy, and said, "Has Doctor such a one been here?" He said, "Yes." I said, "Do you understand that case?" He said, "I think I do. He made a contract with your colored men up there to doctor them a year, and he was to be paid quarterly. The first quarter is up and you must pay it." I said, "Very well; here is the money; give me a receipt for it." He gave me a receipt for it. I went home, and some weeks after that, I do not know just how long, but between 2 or 3 o'clock in the afternoon, this same doctor, with another man of the name of Delagle, a robust fellow, probably about thirty years old, called a bully in the city, came out there, hitched their horses by the gate, came through the gate in front of my house in a large park, and seated themselves upon a work-bench I had there. Being a mechanic, I tinkered some about the place. They called for me. My little girl, about ten years old at that time, answered them and said that I was lying down. The doctor said, "Well, I want to see him." My daughter said to them, "Gentlemen, come into the room." She then came to me and said, "Father, Doctor ——— and another man are out there and want to see you." I got up, looked out, and said, "O, yes; it is Doctor ———," I cannot think of his name now. However, I moved to the door, and my wife said, "Don't you go out there; you will have trouble." I said, "Of course I will treat them well, but I shall go." She said, "No, don't you go; if you do there will certainly be trouble; they don't come here for any good purpose." I said, "I will go." She said, "If you go, take your revolver with you." I said, "No, I will not take anything; I will go as I am." I went

out there and found them loaded down with weapons. This doctor said, "Mr. Sherman, I want you to state before this witness what our agreement was." I said, "Have you not that agreement in writing?" He said, "I have." I said, "Have you got it with you?" He said, "I have." I said, "Then read it to this witness and he will understand it." He said, "No, by God; that ain't what I am after; I want to have you state that agreement right here before this witness." I said, "I can't see the point." He said, "Well, the point is that you must state that agreement; that is the point." Said I, "My tongue is my own and I can hold it if I please; I propose to do no such thing." I then started for the house, and when I had gone perhaps three paces, he grabbed me behind by the shoulders, and moved me around and choked me about the yard. After a while he let go of me and I moved off in another direction. He saw what the purpose was and ran up and grabbed me again and jammed and ran me about there, until my little girl jumped over the fence and went through the fields, perhaps three-quarters of a mile, and asked my men to come up. They came up, he still holding me in the same position, jamming me about and swearing and damning and threatening, &c., until the men came through the gate into the park. Then he left me, calling me a damned radical as often—well every few words, and other expressions in that same line. I then went into the city and laid the thing before General Tilson and asked him to take the matter in charge, bring the men up, and investigate the rights of the case. He declined to do anything about it, and said, "If he goes on to your place again, notify me and I will take care of him." That was all I could get out of General Tilson. I regarded that as a pretty heavy blow. Mind you, there is one more point in this; while the man was threatening me to that extent he said, "God damn you, Sherman, and God damn your whole bureau;" meaning the Government Bureau; "it has all busted up and gone to hell, and now we find we have a friend in Washington, and, by God, we will have our way now." That was the time when I began to see the feeling there, and to feel as though there was something back that I had not felt or seen. After I went into the city and saw General Tilson, and found that I could get no assistance whatever from him, I went to Judge Bothwell, who was in trade there, a merchant in Augusta. I laid the thing before him, and he remarked, "Why didn't you kill him; damn him, I would have killed him." I told him I was not bloodthirsty, and was not brought up in such a way, and felt that there was no good in men killing each other. I said to him, "I came here for counsel, knowing that you understand the people and their feelings; that you are a man of judgment and understand the law. Now tell me what course I should take." He said, "I will tell you honestly; you have traded here a great many hundreds of dollars, perhaps thousands, and have always been a gentleman to me, and have always done what I consider right. I will tell you honestly what I would do; I would discharge that man from the premises." I said, "Can I do it?" He said, "Has he not been faulty or delinquent or something which you can charge him with in regard to his agreement?" I said, "Yes." He said, "Very well; bring your charge in here, and I will write it out; and you can present that to him as a reason why you discharge him and pay him off." I said, "Very well; I will get the money and deliver it over to you, and you can hand it to him." I complied with that advice, wrote out his discharge, gave my reasons for it, signed it, took a copy of it, and left the money with the judge; and he afterward called the doctor in and settled the whole thing. I got rid of him in that way, forbidding him at the same time from coming on my plantation. That is the end of that.

Question. Had you engaged in politics at that time at all?

Answer. No, sir; I do not know that I ever spoke on the subject of politics, or let the people there know whether I was a republican, or democrat, or abolitionist.

Question. Had you ever been a politician in the ordinary sense of the word?

Answer. No, sir; never in the North; I always refused any office, and would not have it. I was brought up on a farm, and afterward learned a mechanic's trade and pursued it.

Question. Who did you understand he had reference to when he said they had a friend in Washington?

Answer. President Johnson; nobody else.

Question. At what time was that conversation held?

Answer. I think it was in the month of July, 1866. I paid him one full quarter after paying him for two months.

Question. How did you get along with your operations subsequently?

Answer. My farming operations were a failure entirely. I planted 425 acres, 225 in cotton and 200 in corn. I never raised a single ear of corn, and I raised but ten bales of cotton.

Question. I am not inquiring so much in reference to your success in an agricultural point of view as to the manner of your treatment by the people.

Answer. From that time I could see a very hard feeling of the people toward me. The man I hired the plantation of, Mr. Phinnessy, did not treat me as he had done formerly.

Question. Do you know any other reason for it than your supposed political affinities?

Answer. I do not know the first thing but that.

Question. Did you discover a difference in the public sentiment before and after the President had been supposed to change his political sympathies and relations?

Answer. I saw it and felt it.

Question. How long did you remain there?

Answer. I remained on that plantation until the last day of December of that year.

Question. Where did you go then?

Answer. I went into Columbia County, an adjoining county.

Question. What was your experience there?

Answer. I lived very pleasantly there until perhaps in March. This same man Phinnessy had before tried to get me in jail; he had made several attempts to put me in jail. In the first place, when I was on his plantation he claimed, I think, about $1,800 in damages on his farm. I think he made up that claim for damages in October, sued me for them, drove off all my stock, all the stock I had hired of him, locked up my cotton-house and everything else, and destroyed my business. He came on to my place a little before sunset one day, perhaps the sun was about a half an hour high, with an officer who served his papers and took me to town. By the time I got into town, about four miles from there, it was 8 o'clock at night, and all the offices were closed up. Fortunately I had met with one man of the name of Richardson, from Maine, but now dead; I had met him once before. I went to his office and told him my fix; that I had to lay in jail that night. He wanted to know what for, and I told him.

Question. What was it for?

Answer. For this pretended claim for damages.

Question. Did Richardson go your security?

Answer. No, sir; there was one item included in that claim of damages, of some corn that I was to have paid him; but the time had not come when I was to pay him, and consequently that was not actually due. They would not take Mr. Richardson for bail, nor Colonel J. E. Bryant, nor Captain Prince; in fact, they would not take anybody who would come forward and become my security, until Mr. Richardson and Colonel Bryant went out and brought in four colored men who owned real estate in the city; they went my security on my bond. The officer was obliged to take them, for they were real-estate holders. I was then released, and went home, they taking my horse and carriage, and I being obliged to walk home four miles that night. Two or three days after that I was sued again for my rent, twenty-eight days before it was due by written agreement; and I had to be put in jail if I didn't pay it.

By Mr. SCOFIELD:

Question. It seems to me that this can be shortened. We do not want to go into all the details of what all the persons said. Give us the result simply.

Answer. I will do whatever the committee may desire.

By the CHAIRMAN:

Question. Be as succinct in your statements as you can.

Answer. These are facts that have rested upon my mind, but I am not strenuous in giving them. I said that that was twenty-eight days before the rent was due. I paid that $1,350, and consequently was not put in jail. There was found do be a little flaw in the papers in the other case. When I went into Columbia County, he sent a sheriff up there with the papers, and instructions to take me even in the dead of night. He thought perhaps that being a stranger in the county I could not get anybody to assist me there, and that I would certainly have to go to jail. The sheriff got $10, as he told me afterward, and said that was to reward him; but I found friends there, and gave bonds, and did not go to jail. Then everything passed along very well.

Question. What was the result of that litigation of the claim for damages, &c.?

Answer. The case was never tried to my knowledge.

Question. The first case failed by reason of some defect in the papers?

Answer. Yes, sir; and I do not know that the last was ever tried. I fought it off, bluffed it off, until I went into the constitutional convention, and I never heard of it after that.

Question. Go on with your experience in Columbia County.

Answer. When I went there I started on the political line; that was the first I ever had to do with politics. I concluded to run for the constitutional convention from the twenty-ninth senatorial district, and I was elected by, I think, 600 majority. After I got through the convention, then there came an election for State officers and for the legislature, &c. In consultation with my political friends in the city, and looking over the matter and seeing how few men we had to do the work, I took charge of the twenty-ninth district, and told them I would do the best I could in that district.

Question. As a candidate for what office?

Answer. I was not a candidate for anything.

Question. You mean that you took it to work in it for the success of your party?

Answer. Yes, sir; I then announced myself as a republican; I was generally known as a republican; my course in the convention showed me to be a republican; I went to work, and on a Saturday I started to travel over the district.

Question. Give the dates as you go along.

Answer. The election, if I remember aright, was on the 20th, 21st, and 22d of April, 1868.

Question. How long before the election did you start to canvass the district?

Answer. About three or four weeks.

Question. Proceed with your statement.

Answer. I went up in the northwest corner of our county and passed the night. On Sunday I said to Mr. Barnes, with whom I stopped, "Let us go down to church." Said he, "There is no church down here but a colored church." I said, "Let us go to that." He said, "No; I will not." I said, "I will go," and I hitched up my horses and went down there. When I rode in among the shade-trees there, I found a white man on horseback on each side of me. I was in a carriage, and told my driver to hitch the horses to a tree. I got out and moved toward the church. A colored man asked me if I would attend the church to-day, and I told him I thought I would. He said, "What name." I said, "Sherman." He said, "I have heard of you; I am glad to have you attend the church here." This may not be interesting to the committee; however, there are some points I want to mention. I said, "Can I be allowed to say a few words here to-day?" He said, "No, sir; we hold this church here to-day, and we are instructed under the law that no white man can speak here; and if you speak here we will lose our church." I said, "Very well; I will not do anything to lessen your privileges, but allow me to come in and hear you." He was the minister himself, and he took me in and seated me near the door. I looked over the audience, and as I happened to throw my eye around to the back part of the house, there those same two white men were stretching up and looking to see if they could see me. They were the two men who rode up with me; they saw me fair and square, and then disappeared. I listened to the discourse, the prayers, &c. Just before the meeting was about to close, my colored man, whom I had left in charge of my carriage and horses, came in and said, "Mr. Sherman, come out; I tell you there is going to be trouble." I said, "What is the matter?" He said, "Come out; there will be trouble." I said, "I guess not." He went back, and I remained there. In the course of four or five minutes more he came in and told me I was going to be bushwhacked. I went out, and as I opened the door I found these white men right before the door. I stepped out between them and the side of the house and moved off toward my horses. The colored man came to me and said, "This horse is lame; look down here." That was to get a chance to speak to me. As I stooped down he said, "These men are going to bushwhack you; I heard them say so." I said, "I guess not." He said, "Let us get in and go off; let us get away." I said, "If they want to bushwhack me, they may do it right here; I will not run one rod." I moved right back and stood between those persons and the door, leaving the door a little open, so as to listen to the last prayer and the singing. After the congregation turned around, I saw that one of them was the sheriff in the county. I said, "Mr. Lazenby, how do you do? I am glad to see you." He said, "Mr. Sherman, are you going to make a political speech here to-day?" I said, "No, sir." He said, "I heard that you were." I said, "No; to-day is Sunday, and I do not talk politics on Sunday; I have enough else to talk about." He said, "Well, if that is the case, I have lost my errand. I was notified this morning that you were going to make a political speech here, and I have come with this posse of men to prevent it." I said, "Mr. Lazenby, don't you suppose I understand the law?" He said, "I do not know whether you do or not." I said, "I do; the law at present under our provisional government is, that I must notify you five days before I can make a political speech. Have you not got the notice that I was going to make some speeches?" He said, "No, sir." I said, "Go to your ordinary, and you will find the notices there; I left them in his hands, and he agreed to give them to you."

Question. Was there such a law at that time, that a man must give five days' notice to the sheriff when he desired to make a political speech?

Answer. Yes, sir; by the order of General Pope, a written notice of five days had to be given to the sheriff. I had given the notice; I had notified him of several meetings that I was to hold. The sheriff then said, "I cannot understand why I was here." When he got through I said, "Let me talk a few minutes." I then told the people what I was there for, and where I was going; that I was going into Lincoln County, and into Wilkes County, and where my meetings were to be, and when. I said, "Here is the sheriff, and I notify him that I want him to be there and keep order." I also said, turning to the men there, "Gentlemen, I understand you are here to bushwhack me; that you have announced it here. Now, if you want to do it, do it right here. I am going over to Lincoln County to-night, and I shall stop at such a place, and if you want to bushwhack me you can find me right along on that track." I went on to Lincoln County; went to the dark holes of Lincoln, and struck over into Wilkes County and into Washington County, where I met Mr. Robert Toombs. I staid there

two nights; I did not let them know who I was; I had a meeting with the colored men; I was in conclave with the secretary of state, who lived there then; I had three hours' chat with the present judge down there, Mr. Andrews.

Question. Mr. Garnett Andrews?

Answer. Yes, sir. Right here, at this point, I want to mention one thing. I met him in the court-house and told him who I was. He said, "Go up into such a room and I will be there." I went up there, and he came in and locked the door. When we talked we spoke low; he did particularly. After a while there was a knock at the door; we kept still and nothing was said, and whoever it was went off. We would talk again, and, after a while, another knock at the door, and we would keep still, and the man would go off again. That was done at least four times. I said, "Mr. Andrews, tell me why this is?" He said, "I am a poor man; it would not answer for me to be known to be in company with you; you are known to be a republican, and, just as sure as it was known that I was up here talking with you, I would lose my custom; I could not live here." A great deal of our conversation was in regard to himself. He wanted to be United States Senator, and said, "Mr. Sherman, you are a northern man and I know something of your influence; I want to have you interested in this matter; I want to be United States Senator." I had not then struck on politics, that is to say, I was not a candidate for anything then; I was just a common citizen. After spending about three hours with him we parted. The next morning I left that county and went over into my own county, Columbia County, and held a meeting there. They then gave me the nomination for the State senate. When I went into Thompson, the name of the village, I went into the post-office to obtain letters that I expected, and consequently announced my name. In a few moments all that little village knew that Sherman was in the place. I told my colored man to take care of my horse, to watch him close that night and not to leave him. But he happened to leave him, and I was waked up in the morning and told to go and kill my horse. I asked, "What is the matter?" I was told, "They have sheared him and cut him all to pieces." I inquired more particularly about it, and I found out that they had cut off his mane and tail and one of his ears. I said, "I guess I will not kill him, but will go and give him a double measure of oats and take care of him." I do not suppose that is of much account. They gave me the nomination for the senate, and, of course, I worked from that time until I was elected. Now, I want to say a word or two in regard to Lincoln County at another time. Not being able to find anybody there who was a republican, and dare stand up and say so, a man of the name of Madison came and requested to see me. He said, "I will run for the house of representatives if you will work for me; I will head the ticket."

Question. In Lincoln County?

Answer. Yes, sir. He was the first republican I had found in Lincoln County except colored men. He said "There is a great deal of work to do up there, and I must have help; I propose that you come up there and hold meetings." I said "When?" He mentioned the time, and we agreed on it. I wrote the notice and sent it to the sheriff, that we would have a meeting on such a day. When the day came I was there. I took a colored man up with me and found Madison there. It was in Lincolnton, the county seat. When I arrived there were probably a hundred white men sitting around watching to see who came in, and perhaps half that number of colored men, and nearly half of that number of colored men came along with me. They knew pretty well I was coming, and they came along. Probably there were about two hundred people there, about equally divided between white and colored. I introduced myself to the deputy sheriff, and asked if he had got a notice from me of the meeting that day. He said he had, but that I could not have a meeting there that day. I asked him what was the matter, and he said "You are a damned republican, and we will have no republican meetings here to-day." I said, "Well, that is curious; this is a law-abiding county, and I have abided by the law and given notice of the meeting here to-day. Do you control this county?" He said "I control it as an officer of the county through the will of the people." I said, "Is it the will of the people that there shall be no meeting here to-day?" He said, "It is." I said, "I was not aware of it." He said, "Well, you know it now." I said to him, "O, well, there is no use to have any fuss about this business; let us have the meeting." He said, "No, sir; not by a damned sight; you will not have a meeting here to-day." I sat there on a chair on the piazza of the store, and heard their abuse for an hour—one hour by my watch. Then this sheriff came to me with Mr. Tutt, the nominee of the democrats, and said, "See here, Sherman, we have been thinking this thing over, and we have concluded that if you will only allow us to have a union meeting, a meeting where we can all speak, we will have one." I said, "Well, I want to understand that; what kind of a meeting do you want?" He said, "A meeting where we can all talk and say what we are a mind to." I said, "That is not the kind of meeting precisely that I proposed to have here to-day; it is a republican meeting announced here to-day, and I propose to have one." He said, "Not by a damned sight." I said to him, "Now let us make a compromise; how many do you want to speak here to-day?" He said, "I want three." I said, "Well, I have four

and, Mr. Sheriff, I will open the meeting and close it. We will go on alternately, and you, Mr. Sheriff, will keep order, and have everything quiet." He said that he would, and the meeting was then held. I put up Mr. Madison for the first speaker; they put in their man; I put in a colored man, and they put in another man; I put in a colored man, and then Mr. Tutt, the last man on their side, got up to speak. While Mr. Tutt was speaking he went into this blackguard business, calling all the names he could think of. One of the colored men felt so outraged that he spoke and groaned; another colored man reached over his cane and touched that one on his shoulder, and said, "Keep still; keep quiet." I sat on the steps of the court-house by the speaker. A white man said, "Who is that over there that is using a cane in this crowd? God damn any negro that will use a cane here." Then they started for him, and had a fight right there; many drew their revolvers, and in less than ten or fifteen minutes there was not a colored man to be seen within a half a mile. I still sat on the steps, and after a while I got up and moved off. They hollered to me to come back and make a speech. I said that I had come there to speak to the people; but as the people generally had left, I would not do it. We then went off into the woods, held a meeting, and made a nomination. I went to Augusta, and, at the time of the election, I appeared again in the same county on the first day of election, at night. I agreed with the hotel-keeper for my board, how much I should pay him for myself and how much for my horse. I took a room, had my supper, my breakfast, and my dinner. At 2 o'clock I was discharged from the hotel. The parties I sent the tickets up by lost them in the river. I had the tickets to write and manipulate and work into the box, and I got in over 400 that afternoon by about 4 o'clock. I was satisfied that I had whipped the fight. I then called for my horse, paid my bill, got on my horse; the military were there to keep order, and they surrounded me. One or two of these men tried to take me off my horse, but did not do it, and finally I moved off. Now there were a great many things said which were pretty hard, but I will just pass them over. I went about three miles in company with Mr. Madison and others. I had to go ten miles to my lodging that night, being turned out of the hotel. After going about three miles I was overtaken by twenty horsemen, who surrounded me and made threats of violence of the most horrid kind. I was on horseback and would manage some way to get out of the crowd and move a little from them, and then they would get around me again and stop my horse. They pursued that course for fully three miles, threatening me to the utmost, cudgeling me over the shoulders and hollering, "God damn you, don't you hear?" The leader of that crowd, or the one who seemed to be the leader, after going three miles in this way, said, "Boys, look here, that God damned pusillanimous son of a bitch," pointing to me, "God damn him to hell, the worst thing of all is that I can't get anything out of him; let us quit him;" and then they left. I want to say a word or two in regard to their conversation. During these three miles there was one, Mr. Tutt, and, I think, a cousin of William Tutt, the democratic nominee, who made some very heavy charges against me, and called me very hard names. I said, "Mr. Tutt, didn't you stop at my house one night?" He said, "Yes, sir." I said, "Didn't I treat you well?" He said, "Yes, sir." I said, "Didn't you have all that you asked for?" He said, "Yes, sir." I said, "Didn't you say afterward that you had stopped at Sherman's and that he was a gentleman?" He said, "Yes, sir, I did; and I will tell you another thing, you was a gentleman; I said so then, and I will say it now, and you will be a gentleman now, I think, only for your God-damn republican principles; it is your damned republicanism that makes you such a mean cuss." That is all I want to say on that point right there. When we came to count up after the election I found I was elected in that county by a pretty close vote; I think it was 19 majority; in the district I had about 1,200 majority. After the thing was settled there came threats on me from different sources. On the thoroughfare of that section leading to Augusta there was an immense sight of travel by our house. When they would come in sight and hearing of my house I could hear them cursing me and threatening, at the same time firing their guns and revolvers, and damning me to the utmost. That was almost an every-day occurrence while I was there at home.

Question. After you were elected?

Answer. Yes, sir; and before I came to the legislature. I went back once or twice, and once I met one of those same fellows who pursued me in Lincoln County. I was walking by the side of the road near my house, and he was on horseback. I bowed to him, and he said, "No, God damn you, I don't speak to such a cuss." I soon after left the county and did not go back until our last election; that is to say, not to live there.

Question. What time did you leave Columbia County?

Answer. Our legislature met on the 4th of July, and I left there in June.

Question. You went there in the previous year, 1867?

Answer. Yes, sir.

Question. You have spoken incidentally of being turned out of a hotel at Lincolnton?

Answer. Yes, sir.

Question. On what grounds?

Answer. I will tell you. There is one thing I want to mention first. When the bell

rang that day for dinner I was in the court-house. I immediately left my business and started for the hotel. I stepped to the door and found that the people had assembled, and formed a row right square into the hotel for me to walk through. I walked along and as I got about half way they started such a yell as I never heard in that section of the country; enough to deafen anybody. As I was going to take the last step on the piazza, I heard some one say "S—st" to a dog that stood in the door-way—a great big fellow, almost as high as this table. Instantly he came at me. Well, I never chawed my heart before. That was the first time I was ever really hard frightened. Of course I had to go to work in the first place to make peace with the dog, and I accomplished it. I passed by him and went into the sitting-room, and from that into the dining-room, where I found the tables were all filled. I returned and said to the landlord, "I will wait until the next table." I sat there and waited until the next table and when the bell rang again I went in. Not a single person came near that table while I was eating but the waiter. There was a great deal of cursing in the room where the gentlemen were, and swearing in the other room where the ladies were—swearing by the ladies to an enormous extent. I ate as long as I felt inclined to; a good long while at any rate; took an extra cup of coffee, and after I got through I went up into my room. I soon left my room and came back, and the table was crowded. There was not a place there for anybody. I walked around and left the house. Now I will answer your question. As I said before, at about 2 o'clock the landlord came out into the court-room where I was writing my tickets and said, "Sherman, I want to see you privately." I said, "Very well," and we went up into the upper part of the court-house. He then said to me, "I am obliged to tell you that you will have to leave my house." I said, "Why so? have I not treated your house well?" He said, "Yes, sir." "Are you afraid you will not get your pay?" He said, "No, sir." I said, "Well, then, why do you turn me out?" He said, "Well, I will tell you now candidly as an honest man: I am a poor man, and the people here are my supporters. They have got together and passed a resolution that if I keep you to-night they will never give me one cent more of patronage, and that would break me up. That is the reason." The hotel-keeper was named Gibson. He said, "I have nothing against you, but I must turn you off or be broken up in my business." I said, "Very well, I will leave your house; I will pay you before sun-set." He said, "Mr. So-and-so will keep you here." I said, "If that is the spirit of the people here, I don't want to stay here; I will go where I can feel a little more safe." I went off ten miles, and that was the time they scourged me so.

Question. Had you made a speech that day?

Answer. Not a speech; not a word; only attended to my business. I had enough to do; I had to write almost all night to get out the tickets for the county and State.

Question. Had you many acquaintances in that county?

Answer. No, sir.

Question. Had you given any offense to anybody, or had any personal altercation with any one?

Answer. No, sir.

Question. Was there anything at all alleged against you except that you were a republican, and was a candidate for the senate?

Answer. Not a word, to my knowledge.

Question. Where have you been living since you left Columbia County?

Answer. I have been in this county most of the time; I have been at work on the State road, occasionally going into my county as that road passes through it. I did all I could do in safety and keep inside of the law.

Question. Have you any knowledge of any facts in connection with the election last fall in that part of the State?

Answer. Yes, sir.

Question. What is that knowledge?

Answer. Well, I was there at the election at Appling, the county-seat of Columbia County.

Question. Have you had any occasion to prepare any statement of the transaction?

Answer. Yes, sir. I went before the commissioner in Augusta—Mr. Robinson, I think—and I was kept on the stand for nine hours.

Question. Have you that statement?

Answer. I have it; not in full; I wrote one in part, which I think you have in your possession.

Question. The clerk of this committee gave me a paper the other day that I saw purported to be of that character, but I did not read it. Is this [handing witness a paper] the one to which you refer?

Answer. Yes, sir.

Question. Is the statement as there made accurate?

Answer. I think it is.

[The statement is as follows:

"On the morning of the 20th of December, 1870, the first day of election, I arrived at Appling, the county-seat of Columbia County, Georgia, at about a quarter past 10

o'clock a. m., where probably over one thousand people had assembled, three-fourths or more of whom were colored. I drove up very near the court-house, and asked for the military commander, when Lieutenant C. B. Hinton appeared, saying he was in command of twelve men. I said I came to attend the election, and felt obliged to put myself under his protection, knowing I would not be safe without it. I then told him who I was; that I had represented the twenty-ninth district in the legislature for the past two years, and now I held the appointment of deputy marshal, showing him my commission; but I preferred that he would say nothing about my appointment; only treat and protect me as a citizen. The lieutenant pledged his utmost for my safety. I then appeared in front of the window of the court-house, where two of the commissioners were taking votes and passing them to a young colored man, appearing to be seventeen or eighteen years of age, who put them in the box. I spoke to the commissioners or managers, asking them if the board was properly organized; they said it was. I then asked for James M. Anthony. Mr. Gray, one of the managers, said Mr. Anthony was not here. I remarked that Mr. Stearns's family was very sick and he could not be here; Robert Lee is the next man. Yes, said one of the managers, Robert Lee is here. I said not Robert Lee proper. Yes, said one of the managers, Robert Lee, and the only Robert Lee we know in the county. I remarked that Robert Lee proper was on the ground. I then asked for an interview with him. They asked me inside. I took Robert Lee with me and introduced him to the other managers saying, this is the man whose name I introduced to the governor for manager, and the same man the governor appointed and the senate confirmed.

"The managers then asked me if they should not empty the box and vote over again. To this I said I had nothing to do with it; I was not manager of election. My object was to state facts; they had them, and they must act as they thought proper. They then asked Lee where he lived. Lee told them where, and that he had been in the county four years. They asked him his full name, to which he replied that it was Robert Lee, but about five years ago he put an R in his name. This was not known by myself or his friends at the time his name was given to the governor; but nevertheless, said I, this is the man. At this time Dr. Casey came in the room, and I was asked to leave. Very soon Robert Lee proper was told to go out; young Robert Lee was permitted to remain. Here I will remark that in the evening the acting ordinary came to the tent to see me. Among other things I asked him if he knew this young Robert Lee. He said no. 'Where does he live?' He believed he was a clerk or runner down to the store. 'Where did he come from?' 'I think,' said he, 'that he came from Sawdust, or the railroad, somewhere.' 'When did he come here?' He replied that he came the evening the commissions came for the managers. 'Who is he, anyhow?' 'I don't know.' I then asked very many colored men who he was. None knew him, so I called him a man of straw, having no right to the position as manager. He, however, was made manager.

"I then took my place in front of the window again, by the side of the rope, 15 feet from the window where the voting was done, and took my pencil and paper and began or prepared to keep tally—to write down the names as they were spoken by one of the managers; but before voting commenced (the second time) a man standing upon the steps said, 'All the democrats will vote over again, white and colored; all the democrats come up and vote over;' and so they did. For an hour or more voting went off briskly without any apparent trouble or intimidation to speak of until, to appearance, the democrats had mostly voted; and when the republicans, or those who carried their votes in their pocket, preferring not to show their ticket, made an effort to get to the ballot-box, then threats began in good earnest; swearing and showing and swinging slung-shot; exhibiting the bowie-knife, (so said the lieutenant,) and using other methods of intimidation; closing up the passage-way with white men that had voted, twenty, thirty, and perhaps fifty men at a time, so placed before the passage-way that it was almost impossible for a man who did not show a democratic vote to get through, and if one did, a cry would start up, 'Mark him, d—n him, mark him;' and in two instances I saw the sheriff put a colored man, who had succeeded in getting through, back over the rope, obliging them to get through again if they could. Then, again, intimidation was caused by the use of such awful oaths that no God-fearing man could help fear; and that if any one voted the radical ticket the Ku-Klux would visit them in less than two weeks; and the man who swung his slung-shot over the heads of the colored men said, 'God d—m the nigger who votes the radical ticket, he will not get home;' and various other threats were made. I think I heard enough threats to fill two sheets like this, yet no remonstrance or orders to stop it, while I was permitted to remain in hearing or seeing; and still these threats and intimidations were allowed; no real effort was made to prevent or bring to justice the law-breaker; but the colored men must submit to all this; not allowed to say one word. I spoke to the lieutenant to have that slung-shot put away. He went to the man and said to him he had better put it up. He said he spoke to the sheriff about it, and said the sheriff ordered it put away, but the order was not regarded, for I saw him swing it over the heads of the colored men, and heard the language that would accompany such a weapon for more than two hours. I will give the managers credit of once saying to the sheriff that he must

keep order or voting would stop. The sheriff repeated the order, or demand, and that was all it amounted to, for the disorder increased until I was taken off the ground, which was between 3 and 4 o'clock p. m. This disorder might have been stopped easily. The lieutenant was on the ground; his men were near by, and it only wanted an order from the managers or sheriff to have brought the soldiers and made order at once.

"In the fore-part of the day I was found at my post front of the window, seated by the rope, tallying and taking notes of what was going on, when Dr. Casey came up in front of me and said, 'Who is manipulating affairs in Augusta, that he should send a clerk up here to manage *our affairs*?' To this and other similar remarks I made no reply, but took notes, &c., whereupon the doctor turned to the lieutenant and said, so said the lieutenant, 'If Sherman don't put up that pencil and paper I will take it away from him and slap his chops.' The lieutenant said, 'That would not do, for the colored men regarded him their friend, and if you undertake that there will be a row.' The doctor then made other threats, so said the lieutenant, until the lieutenant said he would try and get Sherman to put his paper up, and so he did. He came and asked me to put it up. After making this request three times, and saying he could not prevent trouble if I did not, I consented to lower my manhood, suffer my freedom to be directed and dictated by the mob. I put my paper up, containing about two hundred names; I still kept my pencil in hand, counted, and occasionally marked my count on the margin of a newspaper. To this the doctor made objections, and tried to prohibit it. About this time, or soon after, a cry was started up that the niggers had guns. The cry was loud, trouble was indicated, and, in fact, seemed to be at hand. A tremendous stampede took place at once; nearly all were on the run in the direction of the guns, which was over the river. The colored men had guns stacked half or three-quarters of a mile from the court-house, and twenty or twenty-five men left to guard them until they could be relieved by others who had gone forward to vote. Then the doctor appears again, and proved to be the ruling spirit in this gun excitement, as he acknowledged in his letter to the Chronicle and Sentinel of Augusta; that he commanded a force that took possession of the bridge, and would not let the belligerents cross. It was also found that the doctor, or those in his command, had double-barrel guns, revolvers, and other weapons in abundance, but the colored men could not even be allowed to stack their guns three-quarters of a mile from the court-house. The doctor, by threats and show of weapons, prevented the colored men from crossing the bridge until the lieutenant came with his men, crossed the bridge, and took possession of the guns, placed a guard over them, relieving some twenty or twenty-five colored men from their charge. This done, order was restored, and quietude, for the time being, as it had been at the polls in the absence of these leading spirits; but when the doctor with his force returned, something must be done with Sherman. About this time bell rang for dinner, and the polls closed for an hour. After dinner voting commenced again, and for half an hour or more it went off quietly, I keeping count until the doctor came, when he again appeared inside the rope before me with insults and riotous remarks, and looking around, I saw groups in threes and fives and more making Sherman their object of insult. Finally a man walked in front of the rope and stepped over it on my right. Soon after another man walked in front of the rope and stepped over the rope on my left. Others pushed their way through the colored crowd to my back. The first man on my right took off his hat, and throwing his head down and partly in front of me, looked me in the face; the one on my left took off his hat, placed himself in like position, looked me in the face, both making mouths, &c., unbecoming any human being. In this condition I remained for some time, until these men began to feel under my cloak, and, as I was told, showed weapons, when the lieutenant saw my danger, spoke to the managers, and asked if he should not ask me over the rope. He at once came and said, 'Sherman, walk over the rope and stand by the building.' I did so. The sheriff then took those five or six ill-designed persons back near the door-step of court house from whence they came, only to give them another starting-point, which was at once improved by backing around the corner of court-house, (inside the rope,) to get at my side. This was done, and *the above all in plain sight of the managers and sheriff*, but nothing said to them. There again their insults were lavished on me, and in a way that is not easily described. After fifteen or twenty minutes in this uncomfortable position, the lieutenant was spoken to by the managers, (so he said,) and was requested by them to take me off. The lieutenant at once communicated this to me. I said to him, 'I have a right here;' he left, and in a few moments returned and made a second request, and then the third, and at the same time said I was in danger, for he could not control the mob which would soon make an attack on me. I then stepped up to the window and said, 'Messrs. Managers, is it your request that I should leave the ground?' when one of the managers (Mr. Hicks) said, 'Yes, leave.' Then one of the clerks (Mr. Hudson) said, 'Yes, d——n you, leave; your presence creates disturbance, and you better leave; God d——n you, leave.' I then said, 'Mr. Gray, (another manager,) is it your request that I should leave?' He replied that he did not want to say anything about it. 'Have I not a right here?' I asked. He replied that as far as he had seen of me, he did not see why I could not remain. At this time, I was standing, my

back toward the crowd, the lieutenant stepped up and took me by the arm and walked me off, saying, 'I do this for your safety; I have seen what you have not.' As we walked off, probably two hundred of those white fiends followed quite a distance, with yells and shrieks never heard anywhere in the civilized world except in Georgia. When this crowd returned to their voting place they found the ground made vacant by the running of, at least, eight hundred colored persons. On seeing many of these frightened persons at a distance, the whites took after them and ran them to the woods and hills, firing guns or revolvers, yelling, shrieking, &c., like so many wild men. Here the election seemed to be broken up; so much so that one of the managers said to the lieutenant, 'This makes this election illegal, and if I report this as it is, this county will be thrown out.' After this there was but little if any voting done the first day. I judge from appearance, as I was in a tent near by where I could see. After the colored men left for home, taking their guns, the sergeant who guarded them said he counted two hundred and sixty-three guns. It was said by some of them that but very few of these two hundred and sixty-three men voted. Some of them, and others gave me their names and where they lived and the reason they did not vote. In every instance the reason given was fear, caused by threats of being Ku-Kluxed, by being turned out of a home; others by the threat that they would not live to get home if they voted a radical ticket. I took about one hundred names, and in many instances the names of the men that was said to have made the threats. I have the names of several of the men who carried revolvers, slung-shot, and who caused much intimidation, but I have not the names of the men who gave me so many insults, except Dr. Casey. Others seemed to be strangers. I could not find a colored man that knew them. I did not go near the voting place on the second day; I kept tent, not even going out for dinner; it not being considered safe. But I saw and heard what I never saw before at an election. Liquor seemed to be very plenty; running horses, firing of revolvers by the dozen at a time, &c. I forgot to mention that liquor was plenty on the ground the first day. It was carried around in glass bottles, even inside the rope. The managers made no mention of it, or gave orders concerning it.

"I went to tent Tuesday a. m., and left for home Thursday morning, escorted by the soldiers.

"Thus went election in Columbia County, Georgia, December 20 and 21, 1870.

"JOSIAH SHERMAN,
"Deputy Marshal for Columbia County, Georgia.

"Sworn to and subscribed before me this 10th day of January, 1871.
[SEAL.]
"H. L. G. WILLIAMS,
"Notary Public, Fulton County."

Question. Please to state what you know, or have reliable information of, concerning an organization which is popularly known as the Ku-Klux.

Answer. Well, sir, I do not know that I can say much on that subject. I have never seen them in their regalia, and I have never been overtaken by them in disguise. I have read of them, as you all have, and have heard a thousand things concerning them.

Question. Have any instances occurred within your knowledge of persons injured by them?

Answer. When you say "knowledge," I suppose you mean something I have seen myself.

Question. Have you seen persons who alleged that they had been injured by them?

Answer. Yes, sir.

Question. In what part of the State?

Answer. Down in the vicinity of Columbia County, not in that county precisely, but persons living in Warren County.

Question. Did you know a man in the senate by the name of Adkins?

Answer. I knew him well.

Question. It is in evidence before us that he was put to death in the month of April, 1869, I think.

Answer. It was in May.

Question. What do you know in regard to that transaction?

Answer. Well, sir, I will state what I know of him, and what our conversation was the day before he died, if you please to accept that, and some things that have occurred since; but that was only what I was told; I do not know it myself. The Sunday before he died we met in Augusta. I will state a little circumstance, and then you will, perhaps, appreciate the whole. I had been there some days previous, and so had he, but we did not meet until Sunday. I was going to church, my wife and another lady with me. As we were passing the church on Greene street, I think, he was sitting in the church near the window and saw me passing. He came out and hollered to me. I was on the other side of the street; he asked me to come over. We all went over and went into the church-yard. We were very glad to see him, from the fact that we had not met since the legislature adjourned, as he had been to Washington and all around. He gave me a history of his travels, and what he had seen and heard from

the time we left the legislature until then. He had seen President Johnson, and he told me what the President said. He was in company in Washington with Doctor Ayer, who had been killed a short time before in Jefferson County. He told me what their last words were in Washington, and that he lent him money to get home with. Said he, "Mr. Sherman, I am here, and I will tell you why; I have got tired of living so far from my own home; I asked Mr. Blodgett to let me go to his house, and he wrote to me to come immediately if I wished. I came to his house, and I have been there three weeks; I offered to pay my board, but he would not take it. I cannot live in that way, and I have resolved to go home." Said I, "What, to Warren County?" He said, "Yes; to Warren County." I said, "Why, Mr. Adkins, have you not told me often that if you went to Warren County they would take your life?" He said, "Yes, I have, and I have always complied with my wife's direction in that matter; she has always told me to stay away until now, when she tells me to come home. She tells me if I can only get home she and my people—that is, the colored people—will protect me at home." I said, "Well, Mr. Adkins, don't you go." He said, "It is a trial." Said he, "Right here I want to tell you what I heard yesterday. I stepped into a store on Broad street; they did not any of them seem to know me. Soon after I went in, and while I was doing a little trading, there were two men sitting there, and one of them said to the other, 'The boys are doing a nice business in Warren County.' The other said, 'What are they doing.' He said, 'Well, they killed two niggers up there last week, and they say they swear they will kill every damned republican there.' The other one said, 'Yes, they are after the senator, and by God they will get him yet.' I heard them say that yesterday." Said he, "Now, I have been thinking whether it was me that was meant or you; I know that the man who made the remark lives in your district, over in Columbia County." I ought to have asked him the name, but I did not think to do so. Said I, "Well, Mr. Adkins, there is no better way for us to do than for both to take it, you to take it that it means you, and I to take it that it means me, and just keep away from them entirely, and then perhaps they will not get us." He said, "Perhaps you can do it, but I can't live in this way; I have got to go home." After considerable conversation of that kind he said, "I have made up my mind to go home anyhow." He then reached out his hand and shook hands with me, and said, "If I die a martyr to the cause that I so much love I hope that you that are left will make proper use of it." He shook my hand and said, "I am obliged to you for your good counsel, and I bid you farewell," and then he left. This was after I had entreated of him, and patted him on the shoulder and said, "Don't you go home; you will never get there alive."

Question. He was killed the next day in the way we have heard described here by several witnesses.

Answer. I went out and stopped with a friend about two or three miles out of the city, and about 11 o'clock I came back into the city. I inquired for Mr. Adkins, and they told me that he had taken the cars that morning. I said, "He is a dead man;" and it was not two hours after that before I heard that he was dead. I knew the feelings of those people toward Mr. Adkins. He was one of the choicest men Georgia ever raised; a full-souled man, right square every time; an honest, upright, religious man. That very day after he said this to me, he went into the church and spoke to the people there. He was a preacher, a farmer, and a minister.

Question. You esteemed him to have been a good and pure man?

Answer. A pure man; I never knew aught against him. I never knew of him before we took part in politics together; I heard of him often. So far as I ever heard, everybody esteemed him as one of our best citizens. He was a man of property, and large family; a man of good sense; not so literary as some, because his advantages had not been good; but yet so far as he himself was concerned he was right.

Question. Something has been said about the public feeling toward republicans, and especially those of northern birth—northern immigrants, and settlers in this country. So far as you have had an opportunity to observe, what is that feeling?

Answer. The idea in my locality is that a northern man has no rights in this county. It is often expressed to me that I am a damned carpet-bagger and have no rights here; that is the sentiment of the people.

Question. What is the feeling in regard to the education of the colored people?

Answer. In that vicinity?

Question. I am speaking now about that vicinity.

Answer. They have been entirely opposed to it; they have no feeling of sympathy with northern men here. I will mention the worst that I have heard them utter. If a northern man is a gentleman, as they call him, they have no objection to him, but they say that a damned republican has no business here.

Question How have the republicans in Augusta been treated in their business relations, so far as you have observed?

Answer. Well, sir, a northern man has no business to start in trade or business there; that is, he is sure to be defeated if he undertakes it.

Question. Do you know anything about a gentleman from New Jersey who was in the normal school there?

Answer. Of what name?

Question. I think his name is Calvin.

Answer. I do not know him.

Question. I have asked you something about the education of the colored people in that part of the country, and the feeling there in regard to it.

Answer. The feeling is that they have no business to be educated. I thought that my first remarks in regard to holding Sabbath schools and educating my men during evenings illustrated the whole thing.

Question. Do you think that was a characteristic representative transaction?

Answer. Yes, sir; emphatically so. My little daughter, who was then living when we lived in Columbia County, and who was then between ten and eleven years old, had a school on our plantation. We set apart a building and let her teach the colored people on our plantation and the neighboring colored people. She had about thirty scholars. Well, the feeling in that neighborhood was intense; the persecution was very heavy from the fact that we allowed her to teach.

Question. What shape did it assume?

Answer. She commenced there in the mouth of May, and followed it up until about September, probably. At that time she had a fine little school; it was considered a success so far as the school was concerned. But we felt this feeling on our farm, from the fact that our neighbors about clogged our wheels in business, would steal our property, throw down our fences, and let their cattle, hogs, and everything else get into our fields. They would send somebody from some far distant place to steal our cotton and dig our potatoes at night. In fact we had to keep a watch all over our place to protect ourselves. It all came from the feeling of the people around us, and that feeling, we were satisfied, arose from the fact that we had a school there through the week, and a Sabbath-school every Sunday, and had preaching there quite often. It was not that we owed them anything; not that we crossed anybody's track. We paid no attention to our neighbors more than to treat them with courtesy. We planted largely. Charles Stearns was my partner. He bought a place and paid $8,000 down, and was to pay $4,000 more. But they never have allowed him to make one copper from the day he went there until to-day.

Question. His crops were interfered with in the way you speak of?

Answer. Yes, sir; his cattle were driven off, his hogs and sheep slaughtered, and everything else destroyed.

Question. Is he a republican?

Answer. Yes, sir.

Question. A northern man?

Answer. Yes, sir; he was born in Massachusetts, as I understand.

Question. They treated you very well in Columbia until you engaged in politics?

Answer. Yes, sir; except that this matter of Mr. Phinnessy, from Richmond County, was brought up there.

Question. He was the gentleman you had leased from in Richmond County?

Answer. Yes, sir.

Question. And who had arbitrated the case between you and the doctor?

Answer. Yes, sir. The document I have given to you alludes to some things in regard to that election that I want to speak of to this committee. I have with me the names of some men who ran, as alluded to in that document when they drove me from the polls. Quite a large number of men fled at the same time, and they went to the hills and the ravines to get out of sight; probably six or eight hundred.

Question. Have you a list of them?

Answer. I have a list of some of them. These men followed me around, and the lieutenant took me to his tent, where I staid two nights and part of another. The men came around on the back side there and sent for me, and I went over. They wanted to know if this was what was meant by emancipation and freedom, and said that if it was they had been greatly mistaken.

Question. The colored men said so?

Answer. Yes, sir. I asked them if they could tell me why they had not voted, and they gave me reasons. But there were so many of them, and they crowded things so hard, of course I could not take down all the reasons, and what I did take in many cases were very brief. But I took their names, with their residences, so that anybody calling upon me hereafter might know. One Aaron Thomas, living with Sarah Jane Grover, said, "I was at the polls the first and second days, but was not allowed to vote, for Adolphus Blount, with others, said that if I voted the radical ticket they would kill me; so I can't vote as I want to for fear."

Question. You have a list of names you took in that way?

Answer. Yes, sir.

Question. They were taken down correctly at the time?

Answer. I took them at the time in the words they gave me, in pencil, and afterward copied it. Captain Jones said, "I voted and was run off by John Lampkin, who said, 'You will all see hell.'" He said to James Jenkins, "You will get hell before you get

away from here."' Alfred Thornton said, "I voted by the name of Alfred Murray, and was made to do so by James Murray; I voted the democratic ticket, for James Murray said I should smell hell if I did not vote it." He wanted to know if I could fix it so that he could vote the republican ticket in his own name. Well, now to talk about my doing anything.

Question. He felt that he had been made to practice fraud in the first instance, and that a fraud had been forced upon him?

Answer. Yes, sir; and he gave me the name of the man who forced it upon him.

Question. Without going into detail of these cases, will you state how many similar cases came to your knowledge?

Answer. I have lost one sheet of the notes that I took at that time, but I can give you the number of the cases on the other sheets that I have here. I have forty-one cases here on the two sheets that I have.

Question. You say a third sheet was lost?

Answer. Yes, sir; I put on it some other important points connected with the matter.

By Mr. SCOFIELD:

Question. What is the character of those forty-one cases you have here?

Answer. Similar to those I have stated; I took the statements from the men themselves, in the language which they gave to me.

By Mr. BAYARD:

Question. Who were the two opposing candidates for Congress at that election in that district?

Answer. A man from Burke; I cannot remember his name at this moment.

Question. Was it not Crocker?

Answer. I judge not.

Question. Do you not know that all this testimony regarding that election, including your own, has been taken in the contested election case from that district in Congress, and is now before the Congress of the United States?

Answer. All the testimony I have given here?

Question. All in respect to the election.

Answer. I suppose that Congress has seen my testimony.

Question. I do not mean your testimony in regard to matters outside of the election, but I mean all the testimony in connection with the election. Was not your testimony taken before the commissioner in the contested election case, and is it not now before Congress?

Answer. I gave it before the commissioner.

Question. Therefore the statement which you handed in here, signed by you as deputy marshal, is part of your testimony?

Answer. Yes, sir.

Question. You have already given that before the commissioner?

Answer. In substance.

Question. So that you are now repeating before us the same testimony you gave at another time?

Answer. Yes, sir; that is true.

Question. How many negroes came down to the polls armed on that day?

Answer. That were about the polls?

Question. That brought their guns to the election.

Answer. I think it is mentioned in my statement.

Question. Nearly three hundred, was it not?

Answer. I think so.

Question. Those arms, I believe, were taken possession of by the United States military authorities, who were there at the time?

Answer. Yes, sir.

Question. What day of the election was it that the military officer arrested you and removed you from the poll?

Answer. I did not consider myself arrested.

Question. Were you not taken in custody by that officer?

Answer. I gave myself up to the officer.

Question. Did not he remove you from the place of the election?

Answer. At the request or order of the managers.

Question. Where were you residing at that time?

Answer. I claimed then, and I do now claim, my residence in Columbia County; I never had voted anywhere else; I never paid taxes anywhere else, and I had not removed my farming implements or my household from the county.

Question. How long had you lived in Atlanta?

Answer. I had been here at Atlanta working on the State road, and boarding here part of the time, part of the time in Augusta, and other places, since about the first of 1869, perhaps.

Question. And this election took place in the fall of 1870?

Answer. Yes, sir.

Question. Did you attempt to vote in Columbia on that day?

Answer. I did not, and would not. If I had been living there every day I would not have voted there; I would not have attempted it.

Question. You came to Georgia, I understand, in 1865?

Answer. Yes, sir.

Question. What had been your previous occupation?

Answer. I was brought up a farmer in York State, in Washington County. Until I was twenty-one years old most all of my time I spent on a farm, working occasionally at mechanical work with my brother, who was a mechanic. If you ask me I will give all the points. I then served an apprenticeship with my brother for three years after I was twenty-one years old.

Question. I do not care about your being so exact. In what were you occupied after the war commenced?

Answer. When the war commenced, if I remember aright, I was engaged in the manufacture of agricultural implements, in White Hall, New York, and had been over ten years. I sold out, and went into the lumber business, in Vermont. From there I went into New Hampshire, on the farm of my father-in-law, who had died. I went there and settled up the estate, in old Senator Bell's town, Chester, New Hampshire. When I got that settled up, which I think was in the year 1863, I went to Boston, and worked at mechanical work on vessels. I helped build the "N. P. Banks" that went on the Mississippi.

Question. As a carpenter and joiner?

Answer. As a carpenter and joiner of steam-vessels. I worked at that for a good part of two years. In the fall of 1865 I closed up my business in that section of country. My health failed me, and I was obliged to seek a milder climate. You see now that I cannot talk easily, but sometimes I could not talk at all. I had to speak in a whisper when I came here.

Question. I understood you to say that, for the first six months after you came here, you met with nothing but kindness and civility from everybody here?

Answer. That is so.

Question. And they would come upon your plantation and instruct you in planting?

Answer. Yes, sir.

Question. And the first interruption of that was this difficulty with a doctor, whose name you cannot remember?

Answer. Yes, sir.

Question. What was the amount of money in dispute between you and him; what was the difference between the amount for two months that you paid him and the amount for three months that he claimed?

Answer. I cannot tell you exactly, but my opinion is that it would not vary a great deal from ten dollars.

Question. Ten dollars was the cause of the dispute?

Answer. That is my opinion.

Question. He fell out with you in regard to that, and from that time on commenced your difficulty with the people as you have described?

Answer. Yes, sir.

Question. Was that affray with him in the fall of 1865, or in the spring of 1866?

Answer. It was the second day of April, 1866.

Question. Five years ago?

Answer. Yes, sir.

Question. Who is General Tilson, of whom you have spoken?

Answer. I think he was the head of the military in that division at that time.

Question. A United States military officer?

Answer. Yes, sir.

Question. Was he connected with the Freedmen's Bureau?

Answer. Yes, sir, I think he was. I think he had the Bureau in his charge; that is my opinion about it.

Question. You say that your crops in 1866 produced no more than you have mentioned, and failing in that way you moved to Columbia County?

Answer. Yes, sir.

Question. And proceedings were begun against you by this man Phinnessy; he was the owner of the plantation that you had rented?

Answer. Yes, sir.

Question. Had you a written lease?

Answer. Yes, sir,

Question. Was his action against you therefore for breach of covenant on that lease?

Answer. No, sir.

Question. Was it not based on that lease?

Answer. You mean now the action for the rental?

Question. Yes.

Answer. It was based upon this, that I was about to leave the State; he made oath to that effect.

Question. That he believed that you were about to leave the State?

Answer. Yes, sir.

Question. And you moved off into Columbia County?

Answer. I did two or three months after.

Question. And upon that you were held to bail?

Answer. On that lease, because I could not get bail. No white man would bail me; that is, no bail that they would take. There was a white man offered to bail me; this Charles Stearns, of Columbia, who had just paid $8,000 for a plantation, offered to go my bail, but they would not take him. And why? Because he was a northern man, and they did not know anything about him, and yet there was his property, for which he had paid $8,000 cash.

Question. You say they did take negroes who were freeholders?

Answer. Yes, sir; on another occasion.

Question. To a much less amount than Mr. Stearns's?

Answer. About the same amount.

Question. The four negroes were worth about $8,000.

Answer. It was for $1,350, and they offered somewhere about $7,000 bond.

Question. What he did to you was done under legal process?

Answer. Supposed to be.

Question. Were the bail required to be freeholders, as we term them?

Answer. Yes, sir.

Question. Some of the white men you offered were not freeholders?

Answer. Yes, sir.

Question. And they were objected to?

Answer. Yes, sir.

Question. Was Mr. Stearns a freeholder in that county?

Answer. No, sir.

Question. Was he a freeholder in another county?

Answer. Yes, sir.

Question. Was not this the requirement, that they should be freeholders in the counties where the bail was offered?

Answer. I did not hear so.

Question. Do you know that fact?

Answer. I do not.

Question. You went into Columbia County in 1866?

Answer. On the 1st day of January, 1867.

Question. When did you run for the constitutional convention?

Answer. In the fall of 1867.

Question. In that same year you ran for the constitutional convention?

Answer. Yes, sir.

Question. Had your education been anything more than is usual in the North for a man who had followed your occupation there?

Answer. I never considered myself superior in education.

Question. Let me see that paper in your handwriting; the paper which you stated contained the cases upon which you have commented?

Answer. Here it is. [Handing the paper.]

Question. This is in your handwriting?

Answer. Yes, sir.

Question. I observe by this that you write, but not with great facility?

Answer. No, sir; I never considered myself particularly gifted in writing.

Question. You are, I presume, a man of very moderate educational acquirements?

Answer. Yes; that is to say, I never went through college.

Question. This is your handwriting, which you say you do not write with any great facility?

Answer. Yes, sir.

Question. You went into the constitutional convention to frame the constitution for this State?

Answer. Yes, sir.

Question. When you came out you became a candidate for the senate in 1868?

Answer. Yes, sir.

Question. From Columbia County?

Answer. From the twenty-ninth senatorial district.

Question. That embraced how many counties?

Answer. Three.

Question. What counties?

Answer. Columbia, Lincoln, and Wilkes.

Question. Is the city of Augusta in Columbia County?

Answer. No, sir; in Richmond County.
Question. You represented three counties?
Answer. Yes, sir.
Question. What was the population of those counties?
Answer. I do not now remember; the vote was nearly 5,000.
Question. Of the whole three counties?
Answer. Yes, sir.
Question. What proportion of that number were colored votes, and what white votes?
Answer. I have known exactly to a figure, but I cannot recollect it now; they are not a great way from equal. In Columbia County we have more colored than white votes.
Question. How many more?
Answer. There are nearly two to one.
Question. That is where you moved to, and from that county you were elected to the constitutional convention?
Answer. Yes, sir.
Question. Did you register that county?
Answer. No, sir.
Question. Were you one of the managers of election?
Answer. No, sir.
Question. You were elected to the convention from that county, and that is one of the counties in your senatorial district?
Answer. Yes, sir.
Question. What was the vote of Lincoln County?
Answer. It was 750, or thereabouts.
Question. What was the majority?
Answer. On my vote?
Question. Yes, your vote.
Answer. My vote for the legislature was about 400.
Question. Had you a majority in that county?
Answer. I think I had some 19 majority.
Question. What was it in the other county?
Answer. I had 300 majority.
Question. Were there more colored votes than white in the last county?
Answer. I think there were some; not a heavy majority.
Question. How many white votes do you suppose you got in your district?
Answer. I never figured on that.
Question. How many did you get in Columbia County?
Answer. Well, I got in Columbia County, probably—do you mean the entire vote?
Question. No; I mean how many white men voted for you in that county when you ran for the Senate?
Answer. I do not know; probably 200 or 300.
Question. Do you think there were two or three hundred white votes given for you in that county?
Answer. I think so. I may be mistaken about it, but I am inclined to think so. I know there were a large number of white people who were anxious for me to be senator; they voted for my nomination and worked for me. It was through them that I was nominated.
Question. White republicans?
Answer Yes, sir.
Question. And you think there were from two to three hundred in that county?
Answer. Yes, sir; that is my opinion.
Question. You commenced your canvass in 1868; did you speak quite frequently?
Answer. Not very frequently; there were so many obstacles in the way.
Question. How many stump speeches do you suppose you made during that canvass?
Answer. Regular stump speeches?
Question. I do not mean to detract in any way from the character of your speeches; I mean public speeches; political speeches.
Answer. It so happened that I did not do any out-door stump-speaking.
Question. How many political speeches did you make?
Answer. I several times met in the Leagues, and some other little occasions, where we assembled and talked politics; but I never went out to make a stump speech, to call the whole district together. But I advertised the time when I held those meetings, gave the sheriff notice of them; and I always had an object in view, and I carried my object through. It was not so much to represent myself; I always fell back from that. I am not that character of man at all—to make a great profession of doing great things. But I would have a meeting, and conducted it in such a manner as to carry my point.
Question. You held public meetings, but did not yourself address them?

Answer. Not always; sometimes I would get up and make some remarks; that is about the point.

Question. I understand you to say that at that time there was an order from General John Pope that any man making a political speech must give notice to the sheriff?

Answer. Yes, sir.

Question. That order was observed?

Answer. It was in my case, in every instance.

Question. Was it in the course of that canvass that you had the conversation with Judge Garnett Andrew?

Answer. Yes, sir.

Question. You say that his object in seeking that secluded and private conversation with you was to solicit your influence in favor of his election to the United States Senate?

Answer. I did not say that.

Question. State what you did say.

Answer. I say that he conversed with me on the subject of his being a candidate for the United States Senate, knowing that I had some little influence in that district.

Question. Did he not desire to obtain that influence in favor of his own election to the United States Senate?

Answer. I presume that was his object, but he did not know that I was going to be in the senate at that time.

Question. Were you not a candidate for the senate at that time?

Answer. I was not; it was just before I was nominated.

Question. All this occurred in the fall of 1868, when you were running for the legislature, in the summer of 1868?

Answer. We were elected in April.

Question. Then it occurred in the spring of 1868?

Answer. That is so.

Question. And the events you have related—the different conversations and insulting language, and all that sort of thing, used towards you in different parts of the country; persons refusing to sit with you at the table in the hotel—all that occurred in the spring of 1868, during the canvass you were then making for the State senate?

Answer. Yes, sir.

Question. Are you still in the senate?

Answer. No, sir.

Question. When was your term out?

Answer. I was in an uneven numbered district, and I went out when this legislature assembled and organized. I was in two years.

Question. When were you commissioned deputy marshal?

Answer. It was the day before the election.

Question. Did you obtain your commission on purpose to go down there as a deputy United States marshal; was that your object?

Answer. Not entirely; my object was to attend the election, and I was solicited to take that position. I took it, thinking it might be a protection to me so far as I was concerned.

Question. How long did you hold that deputyship?

Answer. I do not know but I hold it to-day; I never have resigned it; I never have inquired into that.

Question. After you entered the legislature, did you continue to farm at all in Columbia County?

Answer. No, sir.

Question. How have you supported yourself since?

Answer. By the aid of my salary as a member of the legislature, and by such outside work as I could get from time to time.

Question. What was your employment on the railroad of which you have spoken?

Answer. I had a squad of men upon the track for several months.

Question. Were you appointed to that position by Mr. Foster Blodgett?

Answer. No, sir.

Question. Was it under his control that you obtained that position?

Answer. No, sir.

Question. Under whose control was it?

Answer. Mr. Hurlbut.

Question. He was the superintendent of the road?

Answer. Yes, sir. He directed me to work under the supervisor, and the supervisor dictated my work.

Question. And you had a gang of men?

Answer. Yes, sir.

Question. You were what was called bossing a gang of men on the railroad?

Answer. Yes, sir.

Question. That was your employment?

Answer. Yes, sir, at intervals, when I was not in attendance in the legislature; it was for nearly a year.

Question. What business are you following at this time?

Answer. I am superintendent of car building, car painting, and car repairing.

Question. In the railroad company here?

Answer. Yes, sir.

Question. In whose handwriting was the report in regard to the election that you have furnished here?

Answer. I think it was mine.

Question. Look at it. [Handing the paper.]

Answer. I was mistaken, it is not my handwriting.

Question. Who wrote it?

Answer. I am of the opinion that Senator F. O. Welsh wrote it; copied it from mine; I had the original. This I suppose to be an exact copy.

Question. It was meant to make a more readable copy than you had?

Answer. Yes, sir.

Question. You never bought any land in Georgia?

Answer. Yes, sir.

Question. What land did you buy?

Answer. Out here in this county.

Question. How much have you bought?

Answer. Myself and my wife—she has some of it—have 32 acres.

Question. How far distant from Atlanta?

Answer. It is in sight, a mile and three quarters from the city.

Question. That is where you now reside?

Answer. Yes, sir; I have built me a house there and live in it.

Question. You were asked respecting the murder of Mr. Adkins. Were you down in the county where it occurred at the time of its occurrence?

Answer. I was in Richmond County at the time it occurred; but it occurred in Warren County.

Question. Are you conversant with the circumstances attending his arrival at the railway station?

Answer. Only from what I heard.

Question. Are you aware of the fact that at the railway station he had a very serious altercation with a young man of the name of Adams?

Answer. I heard something of it.

Question. You have no knowledge of that occurrence except from hearsay?

Answer. That is all.

Question. Are you aware of the fact that the altercation with Mr. Adams was caused by an alleged insult contained in a letter from Senator Adkins to the sister of Mr. Adams?

Answer. I think I saw something of that kind in the papers.

Question. You have no knowledge of that fact?

Answer. No, sir.

By the CHAIRMAN:

Question. You say that you were acquainted with Senator Adkins?

Answer. Yes, sir.

Question. The charge was that he had written a letter making a dishonorable proposition to a young woman who formerly lived in his family?

Answer. I was not aware that she ever lived in his family, yet she may have done so.

Question. Have you ever seen that letter?

Answer. No, sir.

Question. It never has been published?

Answer. If so I never have seen it.

Question. You have told us that you had an intimate acquaintance with Senator Adkins?

Answer. Yes, sir.

Question. Do you believe one word of that accusation made against him after his death?

Answer. In relation to that woman?

Question. Yes.

Answer. No, sir; not a solitary word.

Question. You have had some questions propounded to you of a general nature as to your education, your handwriting, &c. Is the document you have filed here with us giving an account of the election your composition?

Answer. It is my composition, copied verbatim from the original, which I wrote; so far as I know, and I examined it pretty closely afterward, this is a correct copy.

Question. Has any complaint or objection, so far as you know, been made of you that your education did not qualify you to take the part you did in public affairs?

Answer. Not that I know of. I was appointed by the president of the senate as chairman of the committee on printing. I was on the committee of education, and worked very hard for a good bill. I had a bill of my own drawing up, and a great deal of that was embodied in another bill which was passed by the last legislature.

Question. You have said that you were not a graduate of any college?

Answer. No, sir.

Question. State whether, in the course of your life, you have been accustomed to read and inform yourself upon subjects that came within your range and connected with the general affairs of the country.

Answer. Well, sir, I have endeavored to be diligent in that regard as far as circumstances would allow. When I was a young man my father gave me a tolerable common-school education, as he termed it, a district-school education; and then he sent me for one term to an academy in New Hampshire.

Question. An academy of a great deal of note, was it not?

Answer. It used to be; it was called the New Hampton Institution, and Professor Smith was the principal of it. For two winters I attempted to teach school in Bennington, Vermont, and succeeded very well. I heard no fault found with me.

Question. You have been asked with regard to this sum of money in dispute between you and this doctor, and you have told us that it was about ten dollars. I wish you would state whether, in your judgment, it was the ten dollars that the man wanted, or whether he wanted to pick a quarrel with you.

Answer. I am free to say that my opinion is that it was not the ten dollars that he was so particularly anxious to obtain, but he wanted to obtain a frolic with me.

Question. You have stated that you were removed from the polls last fall at the instance of the managers of election. What had you done, or what reason had they for wanting you to be removed from the polls?

Answer. I can only state my position there and what I was doing, &c. I did not see any cause for it. In this communication I have given here, I have stated that I asked in regard to the organization, &c., whether it was proper or not. Finally they settled down to vote over again. Now I can answer any question you please on that. They wanted to vote over again, and they went to work to vote over again. I stood by the rope fifteen feet from the window where the votes were handed in; that was according to the law, to what was called the Akerman bill. I stood by that rope right in front of the window where the managers sat. I had my commission in my pocket and a pencil in my hand, and when the names were announced I wrote those names on a slip of paper, or, in other words, I kept a tally. Dr. Casey in that town objected; he did not come to me like a gentleman and request me to stop, but he said to the lieutenant, "Go and take that paper away from Sherman; by God, he shan't do any writing here;" some such threat as that. Finally he told the lieutenant that he would slap my chops and take it away from me himself if he didn't. The lieutenant came to me and asked me to put up the paper; he asked me three times before I did it, but finally, finding it was getting pretty warm there, I put the paper in my pocket. I then stood there and counted, and when I would get to ten I would haul a newspaper out of my pocket and scratch down ten and put it back; or sometimes I would do so when I got twenty. Well, I had to stop that.

Question. How had you to stop it?

Answer. By the threats that were made, and the lieutenant told me I must stop it; he said he could not control the mob unless I did; finally I laid it all aside and just stood there. Frequently Mr. Casey would come along and make some sarcastic remarks about "old Sherman," and ask who was manipulating business down in Augusta, and what business I had up there. This was in the fore part of the day. At noon we all went to dinner. At least the polls closed for one hour. I returned and I took my place at the rope again. While I was standing there a man came along and walked in front of the rope and stopped on one side of me; another man came along and stopped on the other side; another crowded his way to my back and stood there. They would look up into my face and make mouths at me; fifty men were jeering at me in that way. After a time one hollered out "Sherman, they are getting under your cloak;" I felt it. The managers told the lieutenant to take me over the rope and let me stand by the side of the court-house. He came to me and told me what the managers said. Said he, "You must step right over;" I stepped over and stood then so that I could see obliquely into the window. The sheriff came along and said, "Boys, stand back, stand back; don't have any fuss here. This is the negroes' ground; keep still." They went around and came in in another direction, and in a few minutes I found them by my side again. The lieutenant came to me and said, "Sherman, the managers tell me to take you off the ground." I said, "Have I not a right here?" He said, "The managers tell me to take you off, and you had better go. I cannot control here." He came to me three times. Finally I stepped in front of the window within three feet, perhaps, and said, "Gentlemen managers, is it your request that I leave this ground?" Mr. Hicks, one of the managers, said, "Yes, damn you, leave." Upon that the clerk stepped forward and said, "Yes, God damn you, leave; your presence creates

disturbance here and you had better leave;" or something to that effect. I then turned to another manager and said, "Mr. Gray, do you say that it is your request that I should leave?" He said, "I do not wish to say anything about it." I said, "Well, have I not a right here? Have I done anything by which I have no right here?" He said, "I have not seen anything in your conduct that you should not have a right to stay if you want to." At that Mr. Hinton, the lieutenant, took me by the arm and led me off. These men followed us yelling and screaming and hooting and howling until I got nearly to the tent upon the hill. They then marched back, and as I was going I looked back and saw them going back, and I saw the colored people running in every direction.

Question. It produced a stampede on their part?

Answer. It seemed as if their courage failed them when they found that I had to leave. When those men found that the colored people had gone, some of them got on their horses and rode after them, some set dogs on them, and others fired their revolvers.

Question. I do not understand what point there was, one way or the other, in the tally you were keeping; what was your object in keeping it, and what objection had they to it?

Answer. The point was this: They had been voting; they had organized before I got there; when I got there I asked them if they were properly organized, and they said they were. I called for the names of the managers, and I found that one Robert Lee, a colored man, was there as a manager, and I knew he was not the Robert Lee proper. The Robert Lee proper, the man whose name I gave to the governor for manager, whose name the governor sent into the senate, and whom I had voted for, was the Robert Lee that stood close by me at that same time; yet they had a negro there as manager that they called Robert Lee. I said, "Gentlemen, that is not the proper man." Mr. Gray said, "Well, if that is so, the election is not legal, and we will have to vote over again." He asked my advice, and I refused to give it. I said, "I am no manager; I do not give my advice on this matter." They finally went on with their board, and concluded to vote over again. Mr. Lampkin, who is to-day sitting in the legislature, came out on the steps and announced that "the democrats must come and vote over again;" that is the point. I wanted to know who voted the first time, and that I could tell by examining their list, if I ever got the opportunity; then I wanted to know who voted the second time, and that was my object in keeping a tally.

Question. Did they throw away the votes that had been previously cast?

Answer. I can't tell anything about that.

Question. Your object was to see that they did not bring the same men in and vote them twice?

Answer. Yes, sir, and count their tickets twice.

Question. And you were taking the names of those who went in and voted the second time?

Answer. That was the object of keeping that list.

Question. Had you molested anybody, or had any word with anybody?

Answer. Not a word; I made only one reply to all the questions asked me by Doctor Casey and some others. Doctor Casey came to me and said, "Who is manipulating affairs in Augusta, that they should send up a clerk here?" I said, "I know nothing about it;" that is all the reply I made.

Question. What reason did the lieutenant give for taking you away?

Answer. He gave as a reason that I had placed myself under his charge when I first came there; that he felt obliged to protect me, and that unless I went away with him he could not do it.

Question. Had he soldiers there?

Answer. He had nine or ten; but, said he, "My soldiers can do nothing with these one or two hundred people that stand right there."

Question. He was satisfied that your life was not safe at the polls?

Answer. He said so emphatically.

Question. Do you think he was sincere in that, or was he acting in connivance with the others?

Answer. He appeared to be sincere at that moment; that is all I can say.

Question. We have had some evidence before us that at another place at that election the soldiers were employed in taking away republican tickets and furnishing others of a different character; that was the reason I asked you the question.

Answer. I can say this of Mr. Hinton: I understood he was a democrat, but I know nothing about him. He treated me very much like a gentleman; he appeared gentlemanly, and I have not a word to say against him.

Question. He was satisfied that he could not protect your person if you remained there at the polls?

Answer. I was satisfied of that at the time, and I have now no reason to think differently. It was the first time in my life that I ever was driven.

Question. You have been asked who were the candidates for Congress; who was the democratic candidate?

Answer. General Du Bose

By Mr. BAYARD:

Question. All this testimony of yours was taken in the contested election case before the commissioner?

Answer. Yes, sir.

Question. Are you not now repeating very much the substance of that paper already attached to your deposition?

Answer. Well, the general facts are the same, I believe.

Question. You have stated there the whole thing about this man Robert Lee?

Answer. Yes, sir.

Question. Was not the man you had outside a man who had a middle letter in his name?

Answer. Yes, sir, "R;" that he added himself; it was not originally in his name, but he took it to avoid being mistaken for others of the same name.

By the CHAIRMAN:

Question. How happened it that the other man got the document containing the appointment?

Answer. The documents were sent to Appling, the county seat; Mr. Hicks and Mr. Gray got theirs out of the office, and there being a similar envelope there addressed to Robert Lee, they naturally supposed it to contain a similar document; and undoubtedly they looked up somebody by the name of Lee to take it out of the office. I inquired of the hotel-keeper who this Robert Lee was that sat there as manager, and he said that he knew nothing of him, only that he believed he came from the railroad.

By Mr. BAYARD:

Question. Both the Robert Lees were colored men?

Answer. Yes, sir.

Question. And the one you wanted there as manager had a middle letter in his name and the other had not?

Answer. So proved to be.

Question. The one that was acting as manager was Robert Lee, and the one you wanted in was Robert R. Lee?

Answer. Yes, sir.

Question. And the commission was directed to Robert Lee?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Still you knew the man?

Answer. I knew the man I had recommended.

Question. And the man who in fact was appointed?

Answer. Yes, sir.

Question. You have been asked about making speeches, and I have understood you to say that your voice was too weak to allow you to make one?

Answer. I never made what is termed here a stump speech. I will make one exception. I said, I believe, that I never attempted it in the open air. I did once over in Hancock County, out of my district, but I found that the wind was so strong that I could not make the people understand me and I had to quit.

ATLANTA, GEORGIA, *November* 7, 1871.

LEVI FOWLER sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.

Answer. I was fifty-five years old on the 10th of last month. I was born in Warren County, and I now live in Warrenton, the county-seat of Warren County. I am merchandising at present; I farmed it before the war, but I have not been able to do it since.

Question. How long have you been living in Warren County?

Answer. I was born and raised there.

Question. Do you know, or did you know, the circumstances attending the killing of a man by the name of Wallace, and also the killing of a man by the name of Doctor Darden?

Answer. Yes, sir.

Question. Had you any connection with those transactions in any way?

Answer. No, sir. However, I was one of the parties that, by request of Mrs. Darden,

who was my niece, went with Mr. Darden to the jail when the parties carried him there. I took some interest in helping her to fix him that night, carrying bed-clothes and one thing and another; I had that much connection with it.

Question. Was any effort made to guard the jail after he was put in it?

Answer. Mr. Darden had an office immediately over the store that I occupied, and was there all the day until late in the evening, when he consented to go to the jail, provided they would put a guard around it to keep him from being mobbed. He was promised that that should be done, and under those circumstances he gave up his arms. He had kept them all day, after shooting Wallace early in the morning. I, with his wife and his children, went right to him and staid close around him until he got to the jail. At the request of Mrs. Darden Mr. Norris, who was then the sheriff, summoned some few men. I do not think he ever summoned a sufficient number to do anything, though he summoned me, but I cannot say how many he did summon. He summoned me for one, and I heard him summon several others; but I never heard him summon more than eight or ten in all.

Question. Mr. Norris has been before the committee and has made a statement concerning the killing of Doctor Darden, and that statement has been reduced to writing and has been printed.

Answer. I have been looking over that statement in the room adjoining this.

Question. How does that statement of his correspond with your recollection of the transaction?

Answer. Well, take the statement as it stands, it is so mixed up with things that I know nothing about; there are some things in it that I know, but there are others that I do not know anything about; nine-tenths of it I know nothing about at all.

Question. Do you mean nine-tenths of his testimony, or nine-tenths of what he says about the killing of Dr. Darden?

Answer. I mean nine-tenths of his testimony relative to that county.

Question. I am speaking of what he says in regard to the killing of Doctor Darden.

Answer. I do not suppose I know anything about more than one-fifth of his statement in that respect, if I do that much.

Question. Then please make your own statement with regard to that transaction?

Answer. As I was saying, Mr. Norris summoned some men, but I do not think he summoned very many. As we went to the jail with Darden there was a large crowd that followed us, many of them had been drinking and were excited; but I kept right close to him with his family and some other persons, so that if their intention was to kill him they could not have done so without injuring some one else. I went with Mrs. Darden down to the house to get some bed-clothing for him, it was then getting pretty late in the evening, and to get his supper. As she had been in town all day there was nothing prepared, she said, for supper. She staid and prepared a supper, and then with some other persons I carried the bed-clothing to him, and afterwards went back after his supper. I had to remain some little time before it was ready. When we got out and went up to the jail there was a guard of some kind around the jail, who would not let us give him his supper unless he would be disarmed. They argued some time about that; he would not agree to give up his arms, and said he did not want to stay there and be killed by a mob and have no way to defend himself. They wanted the gentleman that was with me, who was the marshal of the town, to go in and disarm him. He would not do it, but went off after Mr. Norris to come and do it. Mr. Norris would not come for that. They had told us positively that he could not have his supper without he was disarmed.

Question. Who do you mean by "they?"

Answer. Those persons around there; there was one particularly who talked with us.

Question. Who was he?

Answer. B. H. Ivey. There were other parties there, a little way off in the dark, but he was the spokesman. I used the word "they," because he used it, signifying that he and the others there would not let him have his supper without being disarmed. All this conversation was pretty much with Mr. Raley, the marshal, who had the keys; I stood by.

Question. What was the objection to his being armed? He could not break jail with his arms, could he? It was not so alleged?

Answer. They did not inform us about that.

Question. Proceed with your statement?

Answer. When Mr. Raley came back from Mr. Norris's, Mr. Norris was not with him, and he said that he would not come. They then told us to leave.

Question. Who told you so; this man Ivey?

Answer. Yes, sir; this man Ivey. I forgot to state that previous to that, while Mr. Raley was gone, Ivey made me set down by him, as he said it was dangerous for me to stand there. I had the supper in my hands, and set it on the jail steps, and, at his suggestion, went and squatted down a little way off from him. While we were squatted there, some one came along, something like an officer in charge of the guard,

and made use of some kind of an expression that I did not understand. This man Ivey, because, as I supposed, he did not want me to see him, turned me in one direction, and then he used another expression that turned him another way; then the officer went back the way he came.

Question. Was the expression like a military order?

Answer. It was like none that I knew anything about.

Question. What else occurred?

Answer. I do not know anything after Mr. Raley and I left.

Question. When did you leave?

Answer. We left soon after he came back from Mr. Norris's; they refused to let us stay any longer. I hated to go back to Mrs. Darden, and I carried the things to my house and they remained there until the next day; I did not want her to know what had occurred.

Question. What was done by the guard that Mr. Norris summoned?

Answer. I had a severe headache that evening, and I went to Mr. Norris to get excused from serving on the guard. He told me that some of his friends had told him that it would be dangerous to go there or to attempt it, and that I need not go. I did not go, and I never knew anything more about it.

Question. Did you think it would be dangerous?

Answer. Yes, sir, I did; but still if we had had a sufficient guard, and anybody could have taken command of it, I would have been there to defend the jail, or to have done all I could, which I think ought to have been done.

Question. Do you know what was done there that night?

Answer. Mr. Darden was taken out that night by disguised parties and killed. Mr. Raley, who lived in the same direction I did, and went with me, told me as we walked off, that he would not bring the keys back; that when Norris refused to come he left the keys with him. He told me the next day that a disguised party came that night and made him go with them to the house of Mr. Norris and get the keys.

Question. Who was this man Raley?

Answer. He was the marshal of the town, and Norris was sherift and jailer. When they went to the house of Mr. Norris they did not succeed in getting the keys. They went back, broke open the jail and took Doctor Darden out and killed him.

Question. How did they get him out?

Answer. I do not know anything except what I heard about it; I heard them knocking at the jail door, and I saw the fire down there; I know that the calaboose that the town council had to put colored people in was burned up; they made a fire at the door of the jail until they could burst it open. When they got that open they made a fire at the cell door where Doctor Darden was, and smoked him so badly that he gave up.

Question. What did they do with him after they took him out of the jail?

Answer. I do not know, only as it was related to me, for I did not leave my house any more that night.

Question. What was told to you?

Answer. It was said they took him to his office, and there they permitted him to write a letter to his wife; I saw that letter afterwards myself.

Question. Can you produce a copy of that letter?

Answer. I think I can.

Question. I would like to have you do so if you can.

Answer. It was only in relation to some matters he wanted done after he was killed.

Question. The letter is in existence somewhere?

Answer. I suppose his wife has it.

Question. She is your niece?

Answer. Yes, sir.

Question. If it is practicable for you to furnish us a copy of that letter I would be glad to have you do it.

Answer. It is probable that I may be able to do it after I go home.

Question. After they allowed him to write that letter what did they do?

Answer. I do not know any of the particulars more than they carried him off to the edge of the town, on the railroad, and shot him; he was found there the next morning. As there were no holes in his clothing, they must have stripped him and shot him, and then put on his clothing again. He was shot very badly; I did not examine him, but I heard the physician, and others who examined him, say so; he was shot in a great many places.

Question. You say there were no holes through his clothing?

Answer. Others say not; I went up and looked at him, and I was told there were no holes in his clothing at all.

Question. Were there a great many marks of shot upon his person?

Answer. O, yes, sir; he was shot badly.

Question. His body was left out there on the ground?

Answer. Yes, sir.

Question. From your best information, how many persons were engaged in taking him out of jail and putting him to death?

Answer. It is hard to tell, the estimate varied so much. I have heard it stated from three hundred down to twenty. I believe no one states that there were three hundred immediately interested in taking him out of jail, but it was said there were three hundred about in town; some thought there were not more than twenty about the jail.

Question. May not both of these statements be true?

Answer. I hardly reckon there were three hundred there; there may have been, but I do not think there was.

Question. Do you know any of the parties that were concerned in it?

Answer. No, sir, I do not; I cannot say that I know any of them; I know people who were thought to be concerned in it, but I do not know whether they had anything to do with it or not.

Question. Has anybody ever been brought to trial for that offense?

Answer. There has been some little investigation there, but no regular trial; some parties were arrested, and there was a sort of military investigation of the matter.

Question. Has there been any investigation by the civil authorities in that county?

Answer. No, sir; there were some parties arrested and bailed out, but no prosecutors ever appeared, and nothing was ever done with it.

Question. Why did not his wife appear, or you as the kinsman of his wife?

Answer. The great cause of it was for the lack of means; nobody had any means to do anything.

Question. You mean that you were too poor?

Answer. Yes, sir.

Question. Was there not a solicitor general to attend to it; what need was there for means?

Answer. There is another cause why his wife never did anything about it; she did not think she could do anything; she was advised by her friends that there could be nothing done.

Question. Why not?

Answer. The idea I gathered was this: they thought that there never was a grand jury there who would find a true bill; that is the idea I gathered.

Question. Is that still the reason why she does not prosecute them?

Answer. I do not know that it is. She is not able to employ any counsel in the matter. She had some advisers, and she has just been waiting upon them. I cannot say why they do not advise her to proceed.

Question. Are you a Mason?

Answer. I am.

Question. State what you know of the origin of the difficulty out of which this unhappy transaction grew?

Answer. Well, I cannot say that I know anything positively of my own knowledge.

Question. What do you know from information that you deem reliable?

Answer. Mr. Wallace, the man that Doctor Darden killed, made application to a lodge of Masons to become a member. He thought, and so did a friend of his, that Dr. Darden and another member or two would oppose his admission. This friend of Wallace took it upon himself to talk with Dr. Darden, being a friend of Dr. Darden, and also a little related to him by marriage. He said he would talk with Doctor Darden, and with other parties that they thought might be opposed to Wallace becoming a member of the lodge. I suppose that when he talked with them he was impressed with the idea that they would not oppose it. Dr. Darden told me about it himself; he said that he stated to that gentleman that he was going to get a demit from the lodge, and would not have anything to do with it. He only meant if he got his demit he would have nothing to do with it; but the other gentlemen thought he meant he would have nothing to do with it any way. Upon that he told Mr. Wallace that Doctor Darden would have nothing to do with it, when Dr. Darden only meant that if he got his demit he would have nothing to do with it. When the ballot came on there were two black balls against Mr. Wallace becoming a member. I do not know this myself; I am only giving the information that I received. Mr. Wallace was the editor of a country paper in the town there, and he wrote an article, which was published in it, charging Darden with depositing both of those black balls. The article said a great deal against Doctor Darden that was hard to take. Doctor Darden sought this mode of redress: he got a loaded gun and shot Mr. Wallace, from the window of his office, as he was passing along the street.

Question. Had Wallace been making threats of violence against Darden?

Answer. I never heard of any; I see it stated in the testimony of Mr. Norris that he did make such threats; he may have done so, but I never heard of it myself.

Question. Was Wallace a violent man?

Answer. He was what we considered a high-tempered man; one disposed to be meddlesome.

Question. Had he himself committed any homicide; had he killed anybody that you know of?

Answer. It was said that he had killed a negro there, and I suppose he did do it.

Question. Who was this friend of Wallace that called on Dr. Darden?

Answer. It was a Doctor Neeson; he was no particular friend of Wallace, but he was desirous that Wallace should become a member of the lodge, and he took that active part in order to make it smooth.

Question. Do you recollect what Dr. Darden said in the letter he wrote to his wife about Dr. Neeson and his statement?

Answer. He seemed to think that Neeson was the cause of Wallace writing that piece that was published in the paper, and that in that way he caused all the trouble. I know pretty much all about the matter with Neeson and Darden, for I heard both of their statements. The reason Dr. Darden charged Neeson with being the cause of the trouble was that Neeson told what had transpired in the lodge. Neeson was the secretary of the lodge, and he was charged with telling what had transpired in the lodge, when the lodge made it his duty merely to inform Wallace that he was rejected. He begged off from that duty, but they insisted on his performing it. I am telling now what he told me. He said that when he went down to see Wallace he found another Mason in close conversation with Wallace, and they were off one side. He said that he went home and went to bed, and never saw Wallace until he saw the statement of Wallace in the paper.

Question. Who was that other man?

Answer. I know who is generally thought to be the man, but I do not think Mr. Neeson told me.

Question. I understood you to say that in his last letter, which he wrote to his wife, Doctor Darden reflected very severely upon Neeson?

Answer. Yes, sir.

Question. Do you know anything about the killing of some negroes at Brinkley's Station?

Answer. Only what I heard.

By Mr. BAYARD:

Question. When was that?

Answer. That was before this circumstance—some time.

By the CHAIRMAN:

Question. Tell us what is the information you have in regard to the facts of that case.

Answer. That was the first time I heard anything of the Ku-Klux in that county. There was some talk about them, but nobody had any idea that there was really any such organization; we thought it was just a bugaboo to frighten the negroes. The statement that I heard was that some disguised men went there to attack an old negro and his family, and that the old negro was prepared for them and fired upon them, and wounded some of them. The report said that he killed one. The old negro came off to town the next day, so I heard. I do not know whether I saw him or not. It was said that he was in town for several days, in charge of the Bureau agent, and of Mr. Norris together. I do not know what they did with him, but they had control of him in some way. They finally started him off to Augusta, and report said that he and his family, some of them, if not all, were taken from the cars and killed on the way.

Question. Where was that?

Answer. That was twenty-one miles below Warrenton, at a place called Dearing; that is where they were taken off; I do not know where they were killed, or whether they were killed or not.

Question. They were not killed at Brinkley's Station, where they made the first attack?

Answer. It is said that they went back afterward and killed a little deformed negro.

Question. What did they do with him?

Answer. It was said they piled clothing on him and burned him; there was an inquest held, I believe, a little while afterward.

Question. Was this done by these disguised bands?

Answer. That was the report.

Question. That was about the first Ku-Klux operations you heard of in the county?

Answer. Yes, sir.

Question. Do you know anything about a negro being killed at your brother's?

Answer. Yes, sir; there was a negro shot down there, but whether he was killed or not I am not able to say. He may have died; I do not know.

Question. By whom was he shot, and when?

Answer. By the same unknown parties who were in disguise. I do not know anything about the date. That was some time after this first transaction.

Question. Was that before Dr. Darden was killed?

Answer. I think not; I think it was afterward.

Question. We have had a great deal of testimony in regard to the killing of Mr. Adkins in your county; was it before or after that?

Answer. I do not think Adkins was killed in Warren County; it was down about Dearing, and that is in Columbia County. He may have been killed some where near the line, and perhaps in Warren County.

Question. I am asking in regard to the time, whether the negro at your brother's was killed before or after Mr. Adkins was killed?

Answer. I cannot say; there were two occurrences on my brother's place said to be Ku-Klux operations.

Question. What were they?

Answer. The last one was after that negro was shot. Some disguised parties went there one night and took a very faithful old negro man he had there, and accused his son of stealing $300 from them, and said that if the old man did not produce it at a certain time—they threatened him very severely; I do not know whether they said they would kill him or not. They let him off to produce the money, and he went to my brother to advise him what to do. My brother told him not to make any promise to produce any money at all. I did not tell all about the disguised party and what they did. They took the old negro's things out of his house and pretended to search for the money. They found some which they claimed was a part of the money that had been lost. The next day a man came there in disguise and told the old negro that the Ku-Klux had told him that they had found a part of the money that was lost in his possession, and that he then knew he had stolen it, and if he did not produce the rest by a certain time the Ku-Klux would treat him very badly, and perhaps kill him; and then he went off. The next night some other disguised men came there and took these parties who had been threatening the old negro, and gave them a sound whipping, and allowed them two days to leave the county.

By Mr. BAYARD:

Question. Was that the Brassel case?

Answer. Harrill was the name; there were more than one that they gave the notice to. It caused the whole family to leave, and they went off; they are not there now.

By the CHAIRMAN:

Question. Was your brother supposed to have been concerned in getting these outlaws out of the community?

Answer. I reckon he was, but I do not think he had anything to do with it. He is a minister of the Gospel, and attends to his own business. He wanted to protect the old negro so far as lay in his power, for he was a faithful old fellow. That is all he had to do with it. I do not think he had any hand in the whipping, or knew who did it.

Question. You spoke of the time when the Ku-Klux were first heard of in your county. Aside from these cases you have mentioned, what else have they been doing; have you heard of their whipping anybody?

Answer. I think I have heard of some cases of whipping, but I cannot exactly call the circumstances to mind now; I think there have been some cases of whipping and threatening.

Question. State whether there was a great deal of fear of them on the part of the people.

Answer. Well, sir, aside from the negroes I do not think there was, except in this Darden matter.

Question. How is it with the negroes; were they afraid of them?

Answer. It served to frighten them considerably; a great many of them appeared to be frightened, and a great many of them were not.

Question. I understand you to say that when the matter was first heard of you supposed it was merely to frighten negroes?

Answer. Yes, sir; the negroes wanted to assume a great deal after they were free, and rather treated the white people with disrespect, and they were abusive to ladies also.

Question. You understood that the Ku-Klux were for the purpose of making the negroes behave themselves?

Answer. Just merely to frighten them was my first impression about it.

Question. What do you mean by being abusive to ladies?

Answer. Well, they would fight them, and were very abusive.

Question. If ladies attempted to treat them as they had done in old slave times they would not stand it?

Answer. Well, they did not attempt that; but when they told negroes what to do they did not want to follow instructions; and some of them would insult them; even if the ladies would go to the smoke-house, as we call it, to get provisions to give them, they would seem to insult them.

Question. You think the Ku-Klux was to frighten and terrify the negroes to make them behave?

Answer. That was the first impression, in my mind at least.

Question. Has any attempt been made in your county to instruct negroes by establishing schools?

Answer. There is a white man teaching in our village now.

Question. How long has he been teaching there?

Answer. Only a part of this year, under the State school system.

Question. Is that the first colored school established there?

Answer. The white people have encouraged negroes who had some education to teach. I had a negro man that I raised; he was a little child with my daughters, and they taught him to spell. He kept along with them for a time, but when he got a little larger he got careless. They had something to make them study, and he did not have, and so got behind. But he got a right smart little education, and when he became free he commenced studying again; I assisted what I could. He got up a little school, and he would come to me at night and I would instruct him. There were some other neighbors who had negro teachers, and they were generally encouraged by the whites.

Question. Who is the white man teaching there now?

Answer. It is Doctor Seay.

Question. Have there been any colored schools or colored churches in your county interrupted in any way?

Answer. There was one colored church burned there by a drunken mob one night; we did not know who they were.

Question. When was that?

Answer. That was over a year ago.

Question. Were they disguised?

Answer. I do not know whether they were disguised or not; I never saw them.

Question. How do you know they were drunk?

Answer. Why I said that was that there was a drunken party at a house a mile or so off, and it was thought they went there and burned it.

Question. Did you understand whether they were disguised?

Answer. They were not disguised where they were drinking.

By Mr. LANSING:

Question. Did you understand whether they were disguised at the burning?

Answer. Nobody saw them. It was a country church, no house near it, and nobody knew anything about it until the building was in flames. We did not know whether they were disguised or not when they went there.

By the CHAIRMAN:

Question. Do you know any of the people who belong to this organization; did you ever hear any man say that he belonged to it?

Answer. No, sir.

Question. Did anybody ever ask you to join them?

Answer. No, sir.

Question. Did you yourself ever see any of these disguised bands?

Answer. No, sir, I never saw one of them.

By Mr. BAYARD:

Question. In regard to these instances of whipping, and the taking of those black men off the train at Dearing, do I understand that your whole knowledge of them is based upon rumor?

Answer. Yes, sir.

Question. You have no personal knowledge of them?

Answer. No, sir.

Question. Tell us again about the case of the colored man at your brother's. You say a parcel of disguised men came to the house of that negro man and pretended to search his house for money?

Answer. Yes, sir; they stated that a man in the neighborhood had lost it. They did not pretend that that man was with them. They said a man in the neighborhood had lost $300, and they knew that one of the old black man's sons had stolen it.

Question. Did they profess to find some of the money in the old man's trunk?

Answer. Yes, sir.

Question. Was it not believed that the man professing to find it there had himself dropped the money in the trunk?

Answer. Yes, sir; that is the impression.

Question. Those men were disguised?

Answer. Yes, sir; and the next day, this man who lost the money came over there and said the Ku-Klux had told him that they had found it; that the negro's son had stolen the money, and they had found a part of it there, and he must produce the rest of it.

Question And then after that the men who had visited the old man, and had professed to make this search and to find the money, were themselves visited by some disguised men?

Answer. Yes, sir.
Question. And they were threatened?
Answer. They were taken out and whipped.
Question. For this interference with the old man a few nights previous?
Answer. Yes, sir.
Question. Were those men white men?
Answer. Yes, sir.
Question. And the action of the second party of disguised men was to protect the old colored man against those who had whipped him?
Answer. Yes, sir.
Question. He was considered an honest old negro?
Answer. Yes, sir.
Question. That is the history of that transaction?
Answer. Yes, sir.
Question. The Ku-Klux on that occasion were exerting themselves for the protection of an innocent negro who had been falsely charged with an offense?
Answer. Yes, sir.
Question. You have been asked something in regard to the safety of the people. With your experience in that country, I will ask you whether a quiet, respectable negro in that country is entirely safe?
Answer. I think so; I think they feel so; they tell me so.
Question. Do they exhibit any desire to go away from there that you know of?
Answer. No, sir; I do not think those who are disposed to attend to work and behave themselves want to leave. The class of negroes that want to leave are those who want to be leaders, who are considered to be meddlesome and troublesome. Some of them are mighty clever, intelligent people. Some of them who go away are very good, clever negroes, and some we are mighty glad to have go away.
Question. Do you mean that the industrious class of the black population down there are secure in their own opinion and are happy and contented?
Answer. Where they are let alone they believe themselves to be secure. Some of them have been meddled with and talked to. About the time the excitement was up, some years ago, they felt some uneasiness, but I do not think they do now.
Question. Have you any knowledge that such an organization as the Ku-Klux exist?
Answer. No, sir.
Question. You have seen nothing of them?
Answer. I saw a sort of Ku-Klux cap here to-day, but that is the first I ever saw.
Question. And until you came to this committee-room you never saw anything of the kind?
Answer. No, sir.
Question. As a matter of fact, do you believe that any such thing exists in your county at this time?
Answer. No, sir, I do not.
Question. You married a relative of Doctor Darden?
Answer. Yes, sir.
Question. As I understood, there had been a personal quarrel between Wallace and Darden, growing out of a desire on the part of Wallace to be admitted into a Free Mason's lodge; he supposed that Darden had been instrumental in keeping him out?
Answer. Yes, sir.
Question. And he wrote a newspaper article assailing Darden for his supposed action?
Answer. Yes, sir.
Question. What time of day was it that Darden shot Wallace and killed him?
Answer. I do not know that I can state the exact time.
Question. About what time of day was it?
Answer. About what we consider breakfast time; and in March that is generally from a half an hour to an hour by sun.
Question. About 7 o'clock in the morning?
Answer. Yes, sir, perhaps so.
Question. Where was Darden when he shot Wallace?
Answer. I did not see any of it, but it was said that he was standing in the door of his office, which was above the store I occupy.
Question. He was standing in the door of the second story?
Answer. Yes, sir.
Question. Where was Wallace?
Answer. Walking along the street.
Question. How far from Dr. Darden?
Answer. Where they showed me that he fell was all of forty feet, if not more; I should think it was more.
Question. Was Wallace going from him, or walking in a direction toward where Dr. Darden was?

Answer. I do not know that I can state about that. I think he was, perhaps, going from him, but I will not be positive about that.

Question. Where was Wallace going?

Answer. To the post-office; so it was said.

Question. And he was shot down in the street by Darden under the circumstances you have given?

Answer. The report was that Darden shot twice. I heard the gun, but I was not at the store at that time; I was in a different part of the town. I went to breakfast, and did not hear the particulars until I got back. I heard the gun, but I thought it was merely some boys shooting robins there. I went on with breakfast, and while I was at breakfast I heard of the circumstance and came on down. It was said that Darden shot him first as he was walking along, and then he wheeled around and commenced to draw a pistol, and Darden shot him the second time.

Question. Did the first shot strike Wallace in the back?

Answer. I suppose so; it struck him in the shoulder somewhere.

Question. He died there?

Answer. He died pretty soon after he was taken away.

Question. Was any warrant taken out for the arrest of Darden?

Answer. No, sir.

Question. Was J. C. Norris the sheriff at that time?

Answer. Yes, sir.

Question. Is he the person who got you to come up here and testify in the case?

Answer. I was summoned; I do not know who had any hand in it.

Question. Norris was the sheriff of that county?

Answer. Yes, sir.

Question. Did he know that Wallace had been killed?

Answer. He was there that day, but there was a great deal of excitement and confusion.

Question. Why was Darden not arrested at that time?

Answer. When he shot Wallace he staid in the upper room there, armed.

Question. Just where he was?

Answer. Yes, sir.

Question. Was he undisturbed?

Answer. Well, there was a large party gathered there at the grocery a little distance off who were threatening to kill him.

Question. They were very angry at what he had done?

Answer. Yes, sir.

Question. At the murder of this man?

Answer. Yes, sir.

Question. Why did not the sheriff, Norris, take Darden into custody?

Answer. I do not know anything more than his statement, which I expect is true, that he was out that day executing some other warrants.

Question. Did he not come into town that day?

Answer. His statement is that he came in.

Question. He found Darden there in his own office, and he did not arrest him?

Answer. He did not arrest him at all.

Question. Was Norris a particular friend of Darden?

Answer. They had been very great enemies; during the war I knew they were, but it was said that at that time they were friendly.

Question. I do not want to ask you a question that is difficult for you to answer; why was it the sheriff of the county did not at once take into custody a man who had just shot another in cold blood in broad day in that way?

Answer. I cannot tell you why it was.

Question. He did not do it?

Answer. No, sir.

Question. He finally removed him to the jail that night?

Answer. No, sir; Dr. Darden gave himself up to the marshal on his promise that there should be a sufficient guard there to keep the mob from killing him; he gave himself up to the marshal to be guarded to the jail.

Question. Mr. Norris was in town when that was done?

Answer. Yes, sir.

Question. He was the sheriff of the county?

Answer. Yes, sir.

Question. Do you not know that he had it in his power to summon a *posse* to protect that prisoner?

Answer. Yes, sir; and as I have already said he did summon some men, and I told you how that turned out.

Question. Did he go there himself to protect the jail?

Answer. No, sir, he did not.

Question. Then, as sheriff of the county, he did not himself go to the jail, nor did he have a *posse* to protect him?

Answer. No, sir.

Question. He staid away from the jail?

Answer. Yes, sir.

Question. He left this man to his fate? Did he not know at that time that there had been threats made against Darden by the excited friends of Wallace?

Answer. I suppose everybody knew it.

Question. Have you any doubt that he knew it?

Answer. I am certain he knew it; as I told you before, he told me that his friends advised him that it would be no use to try and guard the jail, and he told me that I need not appear there.

Question. He did not propose to go there, but left Dr. Darden to his fate; is that the case?

Answer. Yes, sir.

Question. Did you ever know that Norris had been indicted by the grand jury of that county as accessory before the fact to that murder?

Answer. I have heard some talk about it; I have no knowledge of it.

Question. Do you not know from reliable information that he was indicted as an accessory before the fact to that murder, and was pardoned by Governor Bullock before his trial?

Answer. Yes, sir; I know that as well as I know anything that I do not actually understand from my own knowledge.

Question. After this murder of Doctor Darden, or after these two murders, one of Wallace, and the one of Darden in revenge for the murder of Wallace, did the military go there and investigate the case?

Answer. One man was arrested; there were some arrested previous to that and bailed out by the civil authorities.

Question. There were a number of arrests made?

Answer. Yes, sir.

Question. Did not Norris make those arrests?

Answer. Yes, sir.

Question. Charging a number of men with the killing of Darden?

Answer. Yes, sir.

Question. Did the military go down there and investigate the matter also?

Answer. Yes, sir; they were around there some time, but there was only one man arrested by them.

Question. Those others had been previously arrested by the civil authorities?

Answer. Yes, sir.

Question. And the military only made one other arrest?

Answer. Only one, that I know of.

Question. Who was he?

Answer. His name was Martin.

Question. How long did the military remain there?

Answer. They were there over a year, first and last.

Question. When was this murder of Dr. Darden?

Answer. A portion of them went down to the Adkins settlement, and they were down there a long time examining.

Question. Were the military officers, in addition to the civil authorities, hunting up evidence and trying to find out who had been concerned in taking Darden out and killing him?

Answer. I so understood it from the commanding officer.

Question. What was his name?

Answer. His name was Torbitt; I see that his name is written here Tarbitt, I always understood that his name was Torbitt.

By the CHAIRMAN:

Question. Is he a Tennessee man?

Answer. I am not able to say.

By Mr. BAYARD:

Question. He was in command there?

Answer. Yes, sir.

Question. He was investigating this affair, as also were the civil authorities, and trying to bring the guilty parties to justice?

Answer. Yes, sir.

Question. The matter occurred at night in your absence, and, personally, you do not yourself know anything of the perpetrators of that crime?

Answer. No, sir; I never saw them. Perhaps I ought to state a circumstance that occurred after Darden shot Wallace. Some time betwixt that and noon, when the ex-

citement was pretty great there, a man came to the store and told me that by sundown we must close that store and be away from there. He told me that he did not single out our store, but he had given the same instructions to others, and had given them by order of the secretary. That is all he said; he left and went right off.

Question. That was when Darden was up-stairs and armed, and keeping the people off?

Answer. Yes, sir.

Question. That was after he had committed the murder?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was any warrant taken out for the arrest of Darden?

Answer. If so, I never heard of it.

Question. There were plenty of magistrates there who could issue warrants?

Answer. Yes, sir.

Question. Have you any reason to believe, or do you believe, that Norris had anything to do with the killing of Wallace by Darden?

Answer. I do not think he had.

Question. Are you not satisfied that the prosecution they got up afterwards against him for being a party concerned in it was utterly frivolous and groundless, and was got up for the purpose of annoying and harassing Norris?

Answer. I do not know that I have any idea about it, anyway; I never investigated it, and I do not know whether it was so or not. My own opinion is, that he had nothing to do at all with Wallace being killed.

ATLANTA, GEORGIA, *November* 7, 1871.

H. D. INGERSOLL sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.

Answer. I will be thirty years old in December next; I was born in Gloucester, Massachusetts; I now reside in Loudsville, White County, Georgia; I came out here as book-keeper for a gold-mining company.

Question. How long have you been out here?

Answer. I came out in September, 1865.

Question. Have you been here ever since?

Answer. Yes, sir.

Question. Our object is to ascertain how far the laws for the protection of life and property are in fact enforced, and how secure or insecure life or property may be. I beg that you will give us any information you may have bearing upon that subject.

Answer. I would state to begin with that I think we have no protection in the courts. Doctor West was the republican candidate at the last election for the legislature. During that election, or just before it, his son was insulted, and at last the man called him a damned radical, and he knocked him down for it. He was arrested, taken before the justice of the peace, and bound over to court and gave bond in $500 for his appearance. The next day after he gave bond a party of fifteen or twenty disguised men came to the house and inquired for him. He was not at home, but they swore they would kill him before morning if he did not leave the country. Under those circumstances he came to Gainesville, 25 miles from that place, and went to work on the Air Line road until he could have his trial. When he arrived at Gainesville he was arrested and put in jail, and he was there for four and a half months, although he had given bonds for his appearance. At the last court the solicitor had him indicted for an attempt to murder. I heard all the evidence; as near as I could judge it showed that it was a drunken row. The solicitor tried to prove by witnesses that this young man was a radical, but the judge said he would not allow religion or politics to be introduced in the case. But when he came to make his plea to the jury he made a statement, and I wrote it down as he made it: "A radical I never was and never expect to be." That was to prejudice the jury. They brought in a verdict of assault and battery. We got into law about our mining; although both parties were from the North, some of the stockholders in Boston and some in New York got into litigation. They sent a man to take charge of the property, but he did not do it legally. I had him arrested for forcible detainer and entry. On that trial every little while the lawyer would ask me if I was not from Massachusetts, for the purpose of prejudicing the court against me, I suppose; I did not see any other point in it. The other party was from a northern State, from New York; it is true they all voted the democratic ticket,

and every one in the county knew that I did not. The sheriff there, who, I believe, was bought up against us, came and seized all the property. I used every exertion to keep the property, so that it would not result in any more cost than we could help. There was some $50,000 worth of property. He moved it all to Gainesville, although I could get a sufficient bond on the ground; but he would not trust it in my hands. He even took my buggy which I had to ride about the country in. Our counsel, who was a democrat, filed an application, and requested the judge to grant an injunction without a bond, because there was such an extreme local prejudice against northern men there that we were unable to give a bond. The judge granted the injunction on that ground, without any bond whatever; Judge Davis, of the west circuit. These are points that I know personally, because I was engaged in some of them. This West that I spoke of was tried at this last court, and the grand jury made up a long presentment, that I brought with me. Two of the men on the grand jury had been ordered to leave their homes; they were named George and Daniel McCallum. I think that McCallum was the cause of having the military sent up there; I so understood.

Question. I understand that you regard these cases you have given as representative cases of public feeling?

Answer. Yes, sir, exactly.

Question. Your idea is that in your courts a republican, or radical, and a northern man, cannot obtain equal and impartial justice?

Answer. Yes, sir; that is exactly as I understand it.

Question. What is the political feeling there?

Answer. Well, sir, I do not think that men there want to do people injury. Sometimes they get bad men in these Ku-Klux arrangements. I think it is done wholly to control the county and to intimidate men, especially Union men, when they think they can frighten them out. I think it is generally done for that very purpose, not to use any harsher means than will accomplish their purpose.

Question. Have you any knowledge of the operations of the Ku-Klux?

Answer. No, sir; it had not, you might say, got fairly under way when the military came in there, and everybody now is trying to deny that there ever was any such thing. The first we ever heard of it was the shooting of Cason, assistant United States marshal, and the whipping of some negroes there because they gave information of who they thought killed Cason, or it was supposed they did. I never knew anybody to hunt for the murderers of Cason, or that there was any warrant out for them.

Question. Did you ever hear of anybody getting out warrants for the arrest of those who whipped the negroes?

Answer. No, sir. They whipped them, and some of them ran away from their homes. One negro who worked for me recently, and had bought half of a place, left his land. They did not whip him at the time, but he was afraid they might. He is renting land now, and does not think it safe to go back there.

Question. How many cases of whipping have come within your knowledge?

Answer. Those are the only cases I know of.

Question. The killing of this assistant marshal and the whipping of the negroes are all the cases you know of?

Answer. Yes, sir; the whipping of the negroes for telling who they thought killed Cason; that is the way I understand it.

Question. It has been suggested here that these operations are got up by people engaged in illicit distilling, and that there is no political significance to be attached to them. You are on the ground, state what your judgment is.

Answer. Well, sir, it was alleged that Mr. Cason was killed because he was executing the law in regard to distilling. I think that is a mere pretext on their part; my judgment is that there was something behind that. We have had a revenue officer up there before. He was a sort of what I call a milk-and-cider fellow, neither one thing nor the other.

Question. You mean in politics?

Answer. Yes, sir. There was one there who prosecuted distillers, and all that sort of thing. He took up men for making pottery-ware from clay; he served out his term, and never was disturbed.

Question. Your judgment is that the trouble is with men who are republicans?

Answer. It seems so; yes, sir. We have spent a great deal of money in the country; we have never done any one any harm. We paid $43,000 for that property, and put $50,000 worth of machinery there. We ran it about three years; sometimes we hired as high as forty men a day. There would be months that I never would be off the place. At the time General Grant was elected I distributed tickets at the election near my house, and I was very much abused for it. I do not remember whether it was at that time or at the time of an election since that some men came to my house. I was up-stairs; we have a large piazza or balustrade up-stairs. Down they came to the gate and hollered. I was going out on the piazza, but my wife cautioned me not to go out; she said it was not for any good. I went to the window, and asked them what they wanted. They said they wanted to see me, that I should come out. I started to

go out of doors, but my wife felt so bad about it that I did not go. They rode about there for a half an hour, I should judge, and then went off. She said afterward that they came back and hollered again. I was asleep and she was so afraid that I would get up that she did not wake me.

Question. Do you know whether they were disguised?

Answer. I did not see them, but I could hear their horses.

Question. How many do you think there were?

Answer. I should not think there were more than four or five that rode up to the gate.

Question. Had you had anything to do with distilling?

Answer. No, sir.

Question. You never had any connection with it or with informing on them?

Answer. No, sir; we were in a different line of business altogether. I never reported any one for distilling, but just attended to my own business.

Question. Do you know whether they had anything against you excepting your politics and your nativity?

Answer. That was all. This was before we had any trouble with our mining cases there, before we got into any litigation whatever.

Question. What has been the effect of the military up there?

Answer. Everything has been very quiet since the military came there, and the people are trying to deny that there ever was any disturbance about there; like this presentment of the grand jury, they are trying to smooth it all over.

Question. When did the grand jury make this presentment?

Answer. At the last term of the court, last week, I think.

Question. They deny that there has been any crime there?

Answer. Yes, sir.

Question. They presented nobody for killing Cason or for whipping these negroes, or for any of these other offenses?

Answer. No, sir. I have asked a great many who the men were that killed Cason, but no one knew anything about it. I have asked a great many confidentially as to their opinion, and everybody said that he did not know.

Question. What is the political complexion of that county, if the people should all vote their sentiments?

Answer. At the first election for the convention it was largely republican. Since then a great many people who took an active part in politics, a great many of the poorer classes of the people, do not go to the polls at all.

Question. Why?

Answer. They are all renters, and I think they are afraid they will be turned away if they do not vote as the men who own the land would like to have them vote. I know one man who controls about 20,000 acres of land, and he controls a great many votes. I have seen his son at elections march men up to the polls twenty at a time, getting them in line, and start at the head of them, pass around his tickets, and march them up and vote them just as you would a company of soldiers.

Question. White men or colored?

Answer. All white men but one of them.

Question. The laborers and tenants upon his father's land?

Answer. Yes, sir.

Question. Did anybody molest them or interfere with them?

Answer. No, sir.

Question. Have you ever known a democrat to be interfered with at any election for voting as he wished to vote?

Answer. No, sir. I have never known an instance where a man has been turned off from land in that county for voting the democratic ticket; but I have known instances where Union men were turned away for voting the republican ticket. But since the law of Congress was passed they do not attempt that so much. At General Grant's election they refused to take the tickets of the colored men. But after they gathered their crops the next year, (they have been living there since I have been living in the country,) they were ordered to move, and they did move. I then rented them land myself, and they staid on some land we had until last fall.

Question. Whom did they get in their places?

Answer. A white man who was elected bailiff there on the democratic ticket. One great difficulty with us there is the appointing of such men as the solicitors are. There are a great many men who have no fairness about them, in fact, I might say no principle whatever. This Marler was a good radical enough until he got his appointment. Then at the last court he made the statement that he never was a radical and never expected to be. That was of course for its effect upon the jury, for it had nothing to do with the case. If a man wants to do justice by the jury, he must know that they do not care what he was. If that statement was not made to have its effect upon the jury, I do not see what he made it for, as it had no bearing on the case at all.

Question. You have been there a great while; what is the social feeling among the

democratic portion of the community toward republicans, and especially northern republicans?

Answer. Well, sir, I can state an instance that came within my own knowledge. A Boston man of the name of Beck, of the firm of Dupee, Beck & Sales, was secretary or treasurer of a gold-mining company there. One day he came to the hotel at Cleveland after dinner, and being in a great hurry to get on to the mines, he ordered dinner and had the driver sit down with him at the table, a table something like this; he at one end, and the negro at the other. He did that because he was in a hurry to get along; he did not stop to feed his horse. The proprietor of the hotel was not there, but his wife was there, and made a great deal of fuss about it, and charged him five dollars because he let the negro sit down at the table with him. He paid it and said not a word about it. The next time he came on he had his wife with him, and meeting an influential citizen there, a man whom he had considered his friend, he told him that he wanted his wife to stay there a few days, and asked him if his wife could not stay there with him in his family. The man said to him that she could not stay there; that his wife would kick her out of doors if she came into the house. He went back to Boston, sold out all his property here, and has not been in the country since.

Question. Does that fairly represent the state of feeling among that class of people?

Answer. Yes, sir, I think it does among the aristocratic people. As I am situated, I never go about much; we do not go into society at all, but stay at home.

Question. Those are the people that call themselves the better class of society?

Answer. Yes, sir; they are what are called the aristocratic people of that county. The country is poor, and there are not many families there who are wealthy.

Question. They are people of wealth and of some cultivation?

Answer. Yes, sir.

Question. Were this gentleman that you spoke of and his wife respectable people, people of culture?

Answer. Yes, sir; anyone who was ever in Boston knows that he is a wealthy man. I am told that he is worth a hundred thousand dollars, and thought a great deal of. Every one seemed to speak well of him here until that occurrence. He used to come here before the war; he told me that he came here years before the war. He has been mining here, but during the war the mining was stopped. Then after the war they resumed work again, but he had not been here until last year. After this occurrence, he said he did not think he ever would come to this country again.

Question. He sold out his property and left?

Answer. He offered it for sale after he went back, and some parties bought him out, and they are now running it.

Question. What is the feeling among that class of people toward the colored people as to their education and general improvement?

Answer. I do not know that they are any worse toward the negroes than they are toward the poor whites; they do not seem to be willing that the negroes or poor whites shall have any education at all; they seem to have the idea that if they are kept in ignorance they can be controlled more easily. In my district, where I live, there is not a school, although the legislature has passed laws for them. The nearest school to us is three miles off, in the next district to us.

Question. This is a copy of the presentment of which you have spoken?

"GEORGIA, WHITE COUNTY,

"*Fall Term Superior Court:*

"We, the grand jury, selected and chosen for the present term of superior court, most respectfully submit the following presentments: We find the court-house needing repairs; the plastering is in an unsafe condition in several places; and recommend that the needed repairs be attended to without delay. The jail in good order; but blankets needed for the use of prisoners. The conditions of public roads in the county generally in fair condition with the following exceptions: At a point on the road leading from this place by way of Dr. Moody's to Dahlonega, at Boyd Creek, where the road has been changed recently; also, at or near the three (3) mile post on said road; the road leading from Allen's bridge across the Chattahoochee River to this place by way of Isaac Oaks's; and the road leading from same bridge by way of D. H. McCollum's to Mrs. Anderson's on the Lethersford road; also a portion of the road leading from Dahlonega to Loudsville, near Town Creek meeting-house; all in bad order. We find a deficiency of mile-posts and finger-boards upon several public roads, and hereby call the attention of the road commissioners to the above facts. We recommend the ordinary to draw an order on the county treasurer for ten dollars in favor of Masten Fuller, to pay for the plank furnished to cover the bridges across the Chattahoochee River, known as Allen's bridges.

"Crime, we are pleased to state, is on the decrease, and so is litigation generally, there being fewer cases brought within the knowledge of this body than ever within the history of this country. We know it has been alleged there is in our county and on its borders a band of Ku-Klux. We would claim for ourselves the industry and

good faith in ferreting out crime due to all good grand jurors; and for our solicitor, we claim that his vigilance in hunting up crime and his ability in its prosecution is not surpassed by any in the State, and yet we have been unable to find any such organization in the county or on its borders. We find there have been outrages committed detrimental to the peace of our people and even ruinous to society, if persisted in, but in every case it is traceable to personal difficulties or neighborhood jars; and with these they have, and we trust will remain, ended.

"We would respectfully recommend to our representatives and senators to see to it that the per diem pay of the members and officers of our present general assembly is put at a reasonable amount, and that the business before them is dispatched as rapidly as possible, in order that their sessions may not be unnecessarily long. We are willing and desirous that their compensation should be commensurate with the dignity of the State and the ability of the people to pay, and that the duration of the session should be measured by the importance of necessary legislation; but the large amount voted themselves by the last legislature, and their long and continuous session, we then and now regard the one as greatly too long, and the other as unnecessarily often and long. We know there were many good members who opposed this; they have our respect, and we are willing to give them our support, and we respectfully say what we do, hoping the present legislature may not be guilty of the same injustice to us and the other people of the State, and to show them that we are not unmindful of our rights as a people, and can and do appreciate the services of an industrious, honest and faithful legislator. We are told there are often large numbers of unnecessary clerks about the legislative halls who do little or nothing, and get for pretended services large sums of money. This we also request may not be allowed. We are also opposed to an increase of offices or officers, and, unless it be in cases of absolute necessity, for the transaction of the State's business, we hope not to see the one or the other. Whenever an officer is found incapable or unfaithful let him be discharged, and a man put in who can and will discharge the duties efficiently and faithfully.

"To our honest, impartial, and Christian judge, C. D. Davis, we tender our compliments and hope he may be saved yet many days in his usefulness. To our efficient, energetic, and vigilant solicitor, General W. L. Marler, we tender our compliments.

"We request this presentment be published in the Air Line Eagle.

"1. Isaac Oakes, Foreman.
2. Rufus K. Asberry.
3. Thomas V. McAfee.
4. James E. Sutton.
5. Joseph I. Green.
6. Jesse Hunt.
7. William J. Chambers.
8. Gabriel B. Jarrand.
9. James E. McAfee.
10. Henry Y. Simpson.
11. Thomas C. Hamilton.
12. Thomas J. Edwards.
13. William A. Merritt.
14. George W. McCollum.
15. Michael T. Kenimer.
16. Isaac Black.
17. Larkin G. Brownlow.
18. Wesley R. Ledford.
19. Daniel H. McCollum.
20. Oshun P. Muillian.
21. William Etris.
22. Jerome England.
23. Robert L. Allen.

"GEORGIA, *White County:*

"CLERK'S OFFICE, SUPERIOR COURT, *October term*, 1871.

"I, John W. Meeks, do certify that the above is a true transcript or copy of the general presentment of the grand jury as recorded on the minutes of the court, this 6th day of November, 1871.

"JOHN W. MEEKS, *Clerk Superior Court.*"

Answer. Yes, sir.

Question. Did you procure this copy to be made?

Answer. No, sir; it was handed to me as I came through Cleveland.

By Mr. BAYARD:

Question. By whom?

Answer. By Mr. Comer, who requested me to hand it to the chairman of the committee.

By the CHAIRMAN:

Question. As indicative of the indifference felt by your grand juries toward these offenses?

Answer. Yes, sir, I suppose so. Yet the son of the same man who handed me this left there the night the military arrived, and has not been seen in the country since, that is, so far as any one knows. This man the other day called me out and asked me if anybody had staid at my house a few nights before; I told him that nobody had. He said that a man over there had stated that the soldiers had staid at my house, and that they were going over the mountain after his son Frank, and his wife was almost

crazy about it. I told him I had not seen any one; I didn't ask him why he was afraid of arrest, or anything of the kind.

Question. You do not know why he was away?

Answer. No, sir.

By Mr. BAYARD:

Question. Who gave you this copy of the presentment?

Answer. Mr. Comer.

Question. Who is he?

Answer. He is postmaster at Cleveland, and keeps a hotel there. As we came through town he asked me to stop until Meeks could copy it. I think he said the committee had sent for the presentment of the grand jury.

Question. This committee?

Answer. Yes, sir.

Question. And he requested you to bring it down here?

Answer. Yes, sir.

Question. You complained of what you considered a want of justice in the courts of that county, or of that district. What is the name of the judge there?

Answer. C. D. Davis, of Monroe; he is a very good judge, and I think is an honest man.

Question. You do not complain of his injustice?

Answer. Not at all.

Question. Who is the solicitor general there?

Answer. William L. Marler.

Question. Who appointed him to his office?

Answer. Governor Bullock.

Question. You spoke of a young man who was tried for an assault with intent to kill?

Answer. Yes, sir; that was the charge.

Question. He was acquitted of the felony and convicted of the assault?

Answer. Yes, sir.

Question. What did he use in the course of that drunken affray; what weapons had been used on either side?

Answer. The evidence showed that it was his fists; one finger was broken, and his thumb cut off; that was done in a saw-mill.

Question. Did you hear the evidence in that case?

Answer. Yes, sir.

Question. Was there any proof in the evidence that there had been any attempt to take the life of the other person?

Answer. No, sir. The man who was struck swore that he was knocked senseless with a rock, but then five men swore that they would not believe him on his oath.

Question. That is, the witnesses for the defense proved that he was not a reliable witness.

Answer. Yes, sir.

Question. But the testimony of the prosecuting witness was that he had been knocked down with a rock, and it was upon that testimony that the indictment was founded?

Answer. Yes, sir, before the grand jury; but when they came to trial they impeached his testimony.

Question. When it came to trial the witnesses for the defense were heard for the first time?

Answer. Yes, sir.

Question. And they showed that the witness for the prosecution was not worthy of belief?

Answer. Yes, sir.

Question. And then the jury acquitted the man of the felony and found him guilty only of an assault and battery?

Answer. Yes, sir.

Question. Is that, to your mind, a specimen of the injustice of Southerners there?

Answer. No, sir.

Question. Did you not cite it for that purpose?

Answer. No, sir. I said that he had given bond, and then some fifteen or twenty men went to his house and swore they would kill him if he did not leave home. He did go to Gainsville, and then they arrested him and put him in jail.

Question. Do you know that the officers of justice were aware of what caused him to leave home?

Answer. No, sir, I do not know that they were.

Question. He did leave home, and they did not know the cause of it; and they put him in prison because he had violated his bond in going away?

Answer. Yes, sir.

Question. Is that another one of the cases which you give as a reason why you think justice could not be obtained there?

Answer. Yes, sir.

Question. You say an injunction was applied for by a northern company, and the judge allowed the injunction to issue without any bond being entered into by way of security?

Answer. Yes, sir.

Question. And you gave as the reason for it that they were a northern company, and it would not be convenient for them to give security in this State?

Answer. I said the lawyer alleged in his application for the injunction that there was an extreme local prejudice against northern men, and they could not give bond.

Question. And the judge conceded that?

Answer. He gave the injunction without bond.

Question. Do you know anything about legal proceedings in the North, or do you know anything about legal practice?

Answer. No, sir.

Question. Do you know the fact that as a rule injunctions do not issue without bonds?

Answer. Yes, sir.

Question. Was it not as a favor that the judge allowed the injunction to issue without bonds?

Answer. Yes, sir; I have no fault to find with that judge; he does the best he can.

Question. He did pretty well for you on that occasion?

Answer. Yes, sir.

Question. He did something that you had no right to ask him for under the law?

Answer. Yes, sir.

Question. Have you stated all the cases you know in which similar injustice has been done?

Answer. I think I have.

Question. By whom were the military sent up there?

Answer. I understand that Lieutenant Taylor was in command; I have not seen him since he has been there.

Question. A young gentleman who was examined before the committee?

Answer. I do not know.

Question. Was he sent up there to make arrests of these illicit distillers?

Answer. I think so. There have been a great many arrests for illicit distilling, but they have all been acquitted, so I am told.

Question. Where?

Answer. Here, in the district court.

Question. In the district court of the United States?

Answer. Yes, sir.

Question. Were you up there when Cason was killed?

Answer. I think I was at Marietta when he was killed; I was there shortly afterwards.

Question. You were there in the country about the time?

Answer. Yes, sir.

Question. Was it not believed through the country there that Cason was killed because of information that he had got against some of these illicit distillers?

Answer. That is what they alleged against him.

Question. Now, I will ask you another question. Is your reason for doubting that that was the cause of his death—the fear that he would inform upon these distillers—that another person whose duty it had been to collect the taxes on pottery had not been disturbed?

Answer. His predecessor, the revenue officer, never has been disturbed there.

Question. The one who collected tax on pottery?

Answer. They arrested men for distilling there, and they arrested some for making pottery without paying the tax.

Question. Do you know Mr. Jennings, the United States assessor here?

Answer. No, sir.

Question. Do you know whether or not it has been only very lately that they have undertaken a crusade against these illicit distillers and tried to break them up?

Answer. I think it is more generally the case up there now than it has been; that is, I have heard more of it.

Question. Before that time they let them go without much interference; is that the fact?

Answer. Yes, sir, I think so; that is, not so much as it has been since the military went up there.

Question. You spoke of the case of a young man going to the polls with a number of men in his father's employment, and marching them up in a row and voting them all in one way. Did you never see that done in any other part of the country before you came here?

Answer. No, sir.

Question. Did you ever know the fact of men influencing their employés, in manufactories, foundries, rolling-mills, and places of that kind, and making them vote the way they wanted them to do?

Answer. I used to clerk it before I came out here. I do not know that my employer ever spoke to me in my life about voting.

Question. I do not speak about any particular case, but I ask whether persons have not tried to influence their emyloyés.

Answer. I do not know of any such case, although there may have been.

Question. Do you know the fact that a United States officer in the Philadelphia navy-yard issued an order there that the men could not remain there and work if they did not vote the ticket he wished them to, and that that ticket was the republican ticket, and that he published the order?

Answer. If I ever knew it, I have forgotten it.

Question. Did you make diligent inquiries about the causes of these men being turned away from the places where they were at work?

Answer. I tried to find out the causes, but I could not.

Question. Were you pretty diligent in your inquiry about that?

Answer. I asked a number of persons about it; I inquired as far as I could without giving the people a chance to say I was interfering with something that was not my business.

Question. Those people were private citizens, and those were people employed by them privately?

Answer. Yes, sir.

Question. And it was in regard to them that you made this examination of what they had turned away the people for?

Answer. Yes, sir.

Question. You said that a gentleman came from the North who had a mining interest up there, and went to the hotel in a hurry and seated his negro driver at the same table with him?

Answer. Yes, sir.

Question. And the woman of the house charged $5 for that meal?

Answer. Yes, sir.

Question. And then when he returned again with his wife the keeper of the hotel told him that his wife was unwilling that he should come there at all?

Answer. No, sir; a citizen living there where he was mining told him that. He brought his wife out, and having no place for his wife to stay, told this man he wanted his wife to stay at his house for a few days. I think the expression the man used was, that his wife would kick her out of doors if she came into his house.

Question. That was because this man had sat down at a table with a negro on his way up to the mines?

Answer. Yes, sir.

Question. Do you know what would be the effect of a man taking his coachman and seating him at the table of the Revere House or the Tremont House, in the city of Boston?

Answer. No, sir.

Question. Do you suppose he would be permitted to do it?

Answer. No, sir; I do not suppose he would have done it in Atlanta either; but up there in the woods——

Question. Up there in the woods he took a liberty that he would not take in Boston or Atlanta?

Answer. The circumstances were different there. I heard men say after that that this very hotel-keeper before the war had sat down at table with negroes, and had even slept with them.

Question. That was before the war?

Answer. Yes, sir.

Question. He did not choose to do it now?

Answer. No, sir, I suppose not.

Question. Would it be an objection to you to have a negro at table with you?

Answer. Under the circumstances that governed this case I think he was justified in so doing; any other man would have done the same thing; because if he had not done it he would have had to wait; and he explained at the time why he did it.

Question. I do not find fault with him, or with his taste, or his right to do it. I ask you the question, because these things are matters of prejudice, however unreasonable they may be; I ask you, in order to ascertain your views on this subject, whether you would object to sitting at a table with a negro man?

Answer. No, sir, I do not think I would under the circumstances.

Question. You would not object to it?

Answer. No, sir.

Question. I will ask you again, do you suppose that you would be permitted to sit at

the table in the Fifth Avenue Hotel, of New York, or the Revere House, in Boston, or the Kimball House, in Atlanta, or at any other hotel, say in the city of Washington, with a black man, or would be permitted to take him to the table with you?

Answer. No, sir; and I should not do it.

Question. Do you not know that it would be objected to by the proprietor and the people there?

Answer. Yes, sir.

Question. Without regard to the question of right or principle, do you not know that there is a feeling generally throughout the United States that such a thing is objectionable?

Answer. Yes, sir, I expect that is so.

Question. Is that your belief?

Answer. Yes, sir, I have no doubt it is so.

Question. And you have not that prejudice?

Answer. I have not. As long as a man behaves himself and keeps himself clean I do not think the color of his skin makes any difference.

Question. No difference at all?

Answer. No, sir.

Question. Are your views on this subject often expressed by you and generally understood by the people where you live?

Answer. No, sir; I am engaged there in mining, and I say very little about politics.

Question. This is not a question of politics merely?

Answer. I am sort of neutral; I do not allow the question to come up.

Question. Do you carry your views on this subject into practice?

Answer. No, sir, I do like other people do; my colored people go to the table after we get through.

Question. You spoke of this gentleman, who, on account of this refusal to entertain him, because he had dined with a black man, or the refusal of the man's wife to entertain him, (that is the fact, I understand,) you said, became disgusted and sold out and left the country?

Answer. He was living at the North; he sold out his mining business.

Question. Did he make a profit?

Answer. No, sir; he lost money by it.

Question. Do you know anything about the fact?

Answer. He sold the place for $10,000, and I think it cost him some $50,000.

Question. He sold to somebody else at a loss?

Answer. Yes, sir.

Question. Who owns it now?

Answer. Two men up there have bought it—Dean and Logan.

Question. From this section of country?

Answer. They are living in White County.

Question. New comers?

Answer. One has been there about fifty years, and the other about fifteen years, I reckon; I do not know exactly how long.

Question. What do you understand about the establishment of schools by the legislature in this State?

Answer. I think that free schools have been established by an act of the legislature.

Question. Is there a school-system established in this State by law?

Answer. Yes, sir.

Question. A free-school system?

Answer. Yes, sir.

Question. You say there are no school-houses there?

Answer. There are school-houses, but no scholars. There are two school-houses in the precinct or militia district I live in.

Question. Is not that a pretty rough part of the country you live in up there?

Answer. Yes, sir, it is sort of rough.

Question. And sparsely settled?

Answer. Yes, sir; it is not thickly settled.

Question. How far are you from the railway?

Answer. Thirty-one miles from Gainesville.

Question. You have to go there by private conveyance?

Answer. Yes, sir.

Question. What is the mining operation in which you are engaged?

Answer. Gold mining.

Question. You have been at it how long?

Answer. I have been connected with this company five years last September.

Question. Down here in Georgia?

Answer. Yes, sir.

Question. Have you ever held any office of any kind there?

Answer. I was notary public for a few months, a very short time; I do not remember

how long. The appointment was sent me, and I accepted it, but I resigned it in a short time; I did not want the trouble of it.

Question. Did you ever hold any other local office there?

Answer. No, sir.

Question. Did you ever register the county or act as manager at elections?

Answer. I think I was clerk at an election once; I will not be sure.

Question. You never presided as one of the managers?

Answer. No, sir.

Question. Have you taken a great deal of interest in elections?

Answer. Sometimes, once or twice I have distributed tickets, &c.

Question. Have you met with any personal injury up there?

Answer. No, sir.

Question. Did you ever meet with any interference of a serious character that put you in fear?

Answer. No, sir.

By the CHAIRMAN:

Question. I want to see if I understand correctly the case of this young West. He was the son of a gentleman who was a candidate for the legislature?

Answer. Yes, sir.

Question. And some one insulted him by calling him a damned radical ——

Answer. To make that plain, I will state that the evidence showed that this man came up to him, as it was proven, and said to this young West, "Who are you?" He had been drinking. Young West replied to him, "Why, you know who I am." He said "Yes, I know you are a damned radical." He started to go, and caught hold of his shoulder, and as he pulled away, the fellow attempted to kick him, and he knocked the fellow down. That was the testimony.

Question. Now, let me see if I understand. He was arrested and bound over to appear in court in the sum of $500?

Answer. Yes, sir.

Question. And then, for some reason or other, he went to the next county, at Gainesville, to work on the railroad?

Answer. Yes, sir.

Question. And while there at Gainesville, although under bond to appear at court, they took him up and thrust him in jail and kept him there for four months and a half?

Answer. Yes, sir.

By Mr. BAYARD:

Question. He had forfeited his bond?

Answer. There had been no court; he had given his bond to appear at court, and the court sits only once in six months. The next term was held last week, and he had been in jail four months and a half.

By the CHAIRMAN:

Question. He was put in jail while he was under bonds for the sum of $500 to appear at court?

Answer. Yes, sir.

By Mr. LANSING:

Question. The bond was still operative?

Answer. Yes, sir, the bond was good; the man who gave it is as good as gold.

By the CHAIRMAN:

Question. And when they came to trial you think the solicitor general, in order to prejudice the case before the jury, attempted to establish the fact that young West was a radical?

Answer. He asked the witness this question in regard to West: "Do you know anything about West?" The witness said, "Yes, I know him." He then said, "Do you know whether he is a radical or not?" The lawyer on the other side jumped up and appealed to the court if such testimony was admissible, and said that he thought it was done for the purpose of prejudicing the case. The judge ruled it out, and said he would not allow religion or politics to come into court.

Question. This is the point I want to get at: when he asked the question whether West was a radical or not, West's counsel objected to it as a circumstance which, if brought out, would prejudice him in the minds of the jury?

Answer. Yes, sir; and as something that had no bearing on the case at all.

Question. And the court ruled it out as an attempt to throw an unfair weight in the balance against the young man?

Answer. Yes, sir; the lawyer said he thought it was unjust, and the judge said he never allowed religion or politics to come into court.

Question. Do you suppose it would have prejudiced him before the jury if he could have proved that he was a democrat?

Answer. No, sir. One point which is very strong in my mind is this: the solicitor was appointed by a republican governor—Governor Bullock—and yet in his plea to the jury he said: "This man at the bar"—he did not call the name at all—"if he is a radical, and I believe he is, although I have no sympathy with that party, for radical I never was and never expect to be"—I took the words down just as he said them.

Question. You were satisfied from what transpired there that the fact of his being a radical would have been to his prejudice before that jury?

Answer. Yes, sir.

Question. You have spoken of another case; if I understand the point there, the counsel of this northern company urged before the judge that the local prejudice there was so great that they could not give security, and the judge accepted that fact as true and issued the injunction without security?

Answer. Yes, sir.

Question. Showing thereby what the judge thought and believed, as well as what the lawyer thought, about the state of feeling there?

Answer. Yes, sir; I have no personal feeling in the case at all; I do not expect to get any office; in fact, I do not expect to live in the country a great while; I expect next spring to go back North; but I give a true statement of things as I believe them to be.

Question. Did you cite this instance to show that injustice had been done by the judge, or to show that a state of feeling existed there such as to compel the judge to go out of the ordinary rule?

Answer. I gave it to show that the solicitor, as I really believed, had been talked with.

Question. I am speaking of the injunction case.

Answer. Yes, sir; so far as the judge was concerned, I believe that, taking all things into consideration, he did it just to protect us there, because he could very well have not granted the injunction.

Question. You have been asked a question in regard to this gentleman from Boston?

Answer. Yes, sir; Mr. Beck.

Question. He took dinner at a table with a negro man who was along with him.

Answer. This house is not a real hotel.

Question. A wayside eating-house?

Answer. Yes, sir, that is it exactly. The man drove up to the steps when they had all been to dinner.

Question. Do you suppose that at either of the hotels named to you, if a gentleman went there with his colored servant, and told them that he was in a hurry, and gave as a reason for it that he desired to catch the train, or anything for which he had but a limited time, and asked them to set a table apart for himself and servant, there would be any objection made to it in any way?

Answer. I do not think there would, if there was no one else at the table; I do not think the proprietor would care if a man would eat with a negro; it is nothing to him.

Question. This was at the table by themselves?

Answer. Yes, sir; it was after the dinner-hour, and the table had been cleared off.

Question. Then, I understand that, without any other cause, so far as you know, when some time after the gentleman came from the North with his wife and applied to a neighbor, not to a man where he had been stopping, but to a different man altogether——

Answer. Yes, sir.

Question. How far distant from the other place?

Answer. It was, I think, eight miles.

Question. He asked him if he could take his wife there for a few days, and the answer was that if she went there his wife would kick her out of the house.

Answer. His wife was not with him at the time that he sat down with the negro; she was in Boston.

Question. She subsequently came to the country?

Answer. Yes, sir; came to look at the country. Mr. Beck said that this man had asked him before to bring his wife out to look at the country.

Question. And because he had taken this hurried meal at a table by himself, and had his servant with him at the same time, for that act against the sensibilities of society up in that country he was told that his wife would be kicked out of doors by the wife of the gentleman he was talking to

Answer. Yes, sir.

By Mr. BAYARD:

Question. Did I understand you to say, in response to a question by the chairman, that you thought, and, as I understand, you agreed with him, for he seemed to put it

in that shape, that a man would be allowed to go to a table with his servant in any of the hotels in the North I have mentioned?

Answer. Well, under the circumstances, I think he would, if he said he was in a hurry.

ATLANTA, GEORGIA, *November* 8, 1871.

CARLETON B. COLE sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will begin his examination.

By Mr. BAYARD:

Question. What is your official position in this State at this time?

Answer. I am judge of this superior court of the Macon circuit, a court having exclusive jurisdiction in that district. Five very heavy counties compose my circuit.

Question. What counties?

Answer. Bibb, Houston, Crawford, Dooly, and Twiggs, and up to last year Macon County was also included; but in forming a new circuit, Macon County, which is a very heavy county, was taken off my circuit and put on a new one. Houston County has probably the heaviest black vote of any county in the State; the black majority in that county is some 2,200; it is the heaviest negro county in the State.

Question. How long have you been a resident of the State of Georgia?

Answer. About forty-four years. I came from North Carolina the latter part of the year 1826, and have been residing in Macon ever since.

Question. What was your native State?

Answer. Massachusetts.

Question. The purpose for which this committee was appointed was to ascertain the condition of Georgia and other States, so far as relates to the security of person and property and obedience to the law.

Answer. I can only speak accurately of my own circuit. I have been upon the bench of Georgia nearly twenty years—between seventeen and twenty years. I went upon the bench in 1836, and remained there until 1846; I then went back to the practice of law, and was appointed judge by Provisional Governor Johnson very soon after the surrender, and I have been upon the bench ever since. I was appointed by Governor Johnson, and remained on the bench until, under the election law of the convention of 1865, I was elected by the people without any opposition. Afterwards, when the constitution of 1868 was formed, I was appointed judge by Governor Bullock, and have remained on the bench ever since. I have no hesitancy in saying that, so far as my circuit is concerned, it has been uniformally as quiet, orderly, and peacable as any section of the United States. I have spent the whole of this summer at the North, and I have seen and heard of a great deal more crime in Philadelphia, where I spent most of the summer, than I have heard of in my circuit. Of course there are bad men everywhere. In my circuit there are very bad men; but the large amount of crime has now diminished to such an extent that there is very little criminal business in my court. For the first two years after the war there were a great many cases of violence and murder. Commencing in 1865, for two years there were murders both of whites and blacks. I have sometimes been accused of being too partial toward the blacks. But they being the weaker class, unprotected, and ignorant, and in hardly one case in a thousand able to employ counsel, I have felt it my duty to appoint the best counsel the bar afforded for their defense. I have taken great pains to protect their interests and rights wherever I could; I trust, however, never against law.

Question. In your State, where a man is charged with crime and is too poor to employ counsel, do you assign counsel to him?

Answer. I assign counsel invariably. When a party is called up, he is asked if he has counsel, and if he says he has not, the next question under our law is, "Are you able to employ counsel?" If he says he is not, then we appoint counsel. I have usually appointed the best and most experienced counsel, with a young man to aid in getting up the testimony.

Question. And their service is gratuitous?

Answer. Yes, sir.

Question. And as a rule have they performed their services efficiently?

Answer. I have never known any other case.

Question. Then I understand it to be your testimony that in your district to-day, so far as human tribunals can approximate to it, justice is administered to all classes, rich and poor, black and white?

Answer. Equally; I do not think any man can accuse the courts or juries there. There is an inferior court in our State that tries criminals for minor offenses. I have never heard any charge of impartiality or any undue feeling exhibited.

Question. Do you believe there exists in your district among the colored people a sense of insecurity before the law?

Answer. Well, sir, I have never seen it, if there is any such feeling. I will state that the black people in my circuit are in the habit of coming to me as their friend and adviser. And while I cannot always protect them as to their rights, and give them to them without the interference of the court, I invariably give them such directions and assistance as will enable them to get their rights, if I can do so. As I said before, we have some bad men who are not disposed to do the negro justice. But when suits have been brought for wages or property, I have never known but one case where I felt bound to grant a new trial, and that was where a majority of the jury were negroes. That was a suit between two negroes, and I thought they found a wrong verdict, and I granted a new trial. It is proper that I should state here that in many of these cases (gentlemen know how lawyers are about that) I have been accused even of having a leaning in favor of their rights. I have no hesitation to say, and I so expressed myself in a case brought before the supreme court, that they were ignorant, and had no one to support them, and I felt it was the duty of the courts to sustain them in all their rights. I was in Washington two years ago, and I made a statement similar to this to President Grant. The President told me that he had received a report from General Steadman, I think it was, that the order and quiet in the Macon circuit were better than perhaps in any other part of the State. I have held the office through all the changes; I believe I have the confidence of all parties. I was opposed to the war, to secession; I voted against it, and did all I could against it. At the end of the war I used all the influence I could control and command to get back into the Union. That has been my political sentiment and feeling from my youth up.

Question. How in regard to the conduct of elections; have they been conducted in such a way as would permit men to express their views?

Answer. I think so, so far as I know; while I have been upon the bench I have taken but little part in politics; I have felt that it was not proper for a judge to mingle in politics. I was here a few days before the last election, and Governor Bullock, who, I believe, had as much confidence in me as in almost anybody, requested me specially to use my influence to preserve peace and order in the election there. While I lived some distance from the center of the city, when riding home to dinner in my carriage, a most serious riot commenced in consequence of the arrest of a boy for voting twice; a most terrific effort was made by the black people to rescue him.

Question. Who headed that negro riot and controlled and directed it chiefly?

Answer. I do not know; it was hard to tell, there was such an immense number, probably 1,200 or 1,500. My wife was with me, and I jumped out of my carriage notwithstanding her efforts to prevent it. I saw but one negro with a deadly weapon at that time; he was flourishing it about, and I walked up to him and put my hands on him, and told him that he must put it up; it was a large bowie-knife. I said that he was imprudent and wrong. He told me it was none of my business, and to go off; I told him that it was my business, that I was a peace officer, and that it was my duty to keep the peace; I said to him, "If you don't stop this, I will be under the necessity of arresting you." I knew the negro well. He threw up his hands violently, and called out, "Shoot every damned rebel you see." I had him arrested; he is a negro by the name of Stephen Mangum; I had formerly owned his brother, and I had a very great desire to prevent his getting into trouble and difficulty. I went to him and told him that as he was a preacher, and had a large family, it was no place for him. I asked him if he had voted, and I then advised him to go home. He said he would not, and, turning from me, he repeated the expression used before—"Shoot every damned rebel you see." I had him arrested and kept in confinement until the riot was over. I did it under a sense of duty, and for the sole purpose of suppressing the riot. At that time I do not suppose there were one hundred white people within hearing of the polls.

Question. That was the time he was using this language?

Answer. Yes, sir. And I will frankly say that, in all my experience, that was the only instance I have seen of any attempt to interfere with the administration of the law. I got upon a box and urged upon the negroes to return, and probably nine-tenths of them did return, to the city-hall, where the election was being held. Just at that moment the military came up. Everybody said that my influence and the means I used probably prevented very serious bloodshed, for the whites were arming themselves, and would very soon have produced a collision.

Question. Had the whites been driven from the ground?

Answer. They had nearly all gone home to dinner. There were two police officers taking the prisoner to jail, and three young men, who had gone up there with three black men who desired to vote the democratic ticket, were run off, and the negroes and one of the young men knocked down.

Question. One of the colored men?

Answer. No, sir; one of the white men.

Question. They were attacked by the colored crowd and driven off?

Answer. Yes, sir; I saw that myself.

Question. Was it practicable on that day for a colored man to vote the democratic ticket with the knowledge of his people?

Answer. No, sir. As I went down from my breakfast to my office I saw an old man standing in the street, and three or four colored men, with as many colored women—and the women were more violent than the men—using very threatening language to him; they were very loud and noisy. I stopped to listen, and discovered that they were trying to prevent his voting the democratic ticket. He had a ticket in his hand, and said that he was going to vote it. One of the women—I suppose it would be proper for me to repeat the language she used—remarked to him that if he did vote that ticket they would "burn his damned arse off." There were some white ladies passing by, and I spoke to these women, and told them such language could not be allowed in the streets. One of them replied to me that they had a right to use such language as they pleased. I do not think they knew me.

Question. Still, you addressed them in proper language?

Answer. In as quiet, peaceable language as I now address you.

Question. You were well known in that community?

Answer. Yes, sir; the men knew me, because when I told them that they were acting wrong, that the election law prohibited any interference, and that every man had a right to vote as he pleased, they admitted it. One of them used some pretty harsh language toward the old man, and then they went off; whether he voted or not I do not know; but I do not think the women knew me.

Question. Have you known, as a fact, that there does exist great intimidation of colored people by others of their race, in respect to this matter of voting?

Answer. I know that, from what I have seen at the polls, and what I have heard them say.

Question. Do you believe a negro could reside comfortably in that district who had openly and notoriously voted the democratic ticket?

Answer. I do not think his life would be in danger, but I think he would be jeered at and turned out of their society, as I have known it to be done for having thus voted. I have never known any one's life taken for it.

Question. Would they exclude him from their religious societies and churches?

Answer. Yes, sir.

Question. Do I understand you correctly as saying that Mangum was a preacher among them?

Answer. Yes, sir.

Question. Do their preachers also take charge of their political affairs and conduct them?

Answer. Yes, sir; I think almost entirely; I think they control them, and that their preaching is often political in character.

Question. Who is the leader among them—the presiding elder of their conference there?

Answer. A man by the name of Turner.

Question. Henry M. Turner?

Answer. He is the bishop of that church.

Question. Does he exercise a very considerable influence among those people?

Answer. Yes, sir; perhaps more than any one in that part of the State.

Question. Do I understand you to say that the churches are conducted under political influences, which would exclude any negro who undertook to vote against the wishes of his party?

Answer. So I have heard them say, and speeches were made the night before the election to that effect.

Question. By whom?

Answer. One was made by Mr. Turner, and one by Mr. Long.

Question. What was the character of those addresses?

Answer. They were incendiary, and denounced any negro who should vote the democratic ticket; they said they must be taken care of.

Question. Taken care of?

Answer. They must be prevented from doing it; that was the idea.

Question. Was the idea to intimidate them from doing it?

Answer. They did not hesitate to say that they would not allow any negro to vote the democratic ticket.

Question. They could not vote it safely?

Answer. I do not mean that their lives would be in danger.

Question. They would be in danger of personal injury?

Answer. Yes, sir; but I have never seen any attempt to take the life of a negro.

Question. Turner was a candidate for the legislature?

Answer. Yes, sir; and had been previously elected to the legislature. He had been elected a member of the convention of 1868, and a member of the legislature, and continued a member up to 1870, and was a candidate for re-election last fall.

Question. Who was the candidate against Turner?

Answer. There were three candidates; Turner, Fitzpatrick, and another black man, I do not remember his name, on the one side.

Question. They were the republican candidates?

Answer. Yes, sir. The candidates against them were Nutting, Ross, and Bacon.

Question. Those are the present members who were seated in the contest in the house?

Answer. Yes, sir.

Question. What is the position of Mr. Nutting?

Answer. He is a banker, occupying a very high position there as a gentleman and man of business.

Question. What is the position of the others?

Answer. Equally so; no one member of our bar stands superior to Captain Bacon, both as a gentleman and a Christian.

Question. They are leading men in your community?

Answer. Yes, sir.

Question. And those against them were Henry M. Turner, the bishop, a man by the name of Fitzpatrick—who is he?

Answer. A white man and an Irishman, who came to Georgia since the war.

Question. What has been his occupation?

Answer. I hardly know; I do not know that he has had any occupation.

Question. Has he taken an active part in politics among the negroes?

Answer. Yes, sir, very.

Question. Who was the other colored man?

Answer. I do not remember his name now; it is strange that I should have forgotten it, for I know him very well.

Question. Was he an obscure man among his own people?

Answer. Rather so; but a very clever, honest, worthy negro.

Question. Was he an illiterate man?

Answer. Yes, sir.

Question. You say the seats of the present members, Nutting, Bacon, and Ross, were contested. Were the notice of contest and the testimony taken conducted in any way before you?

Answer. Altogether. I ought to state that I was applied to to take the testimony, and I was asked to do it because from my position and the feelings that were entertained toward me I could keep order and quiet, and it could be done without any disturbance. After a great deal of hesitancy, I consented to act, in order to preserve peace and to prevent any collision or misunderstanding.

Question. I wish to ask you whether the steps taken by the present members were strictly in accordance with the laws of your State relative to such cases?

Answer. I followed the law as closely and accurately as I possibly could. The language of our code with regard to contested elections is very clear and explicit; I do not think it can be misunderstood, and I think I followed it to the letter in everything. I want to remark here, because I do not want to be misrepresented, that Mr. Turner said that I had the ballot-boxes in my possession.

Question. I will examine you in regard to that in a moment. Your law requires notice to be given to the opposite party of the grounds of contest, the witnesses to be examined, and the specific charges upon which the contest is to be conducted?

Answer. Yes, sir.

Question. Was all that done?

Answer. It was, to the very letter. I will state here that I had the officer, the sheriff who served the notices, sworn before me to prove those notices, that they were served upon each one of the members contesting. They appeared before me, and for two or three days cross-examined the witnesses. I notified them that they had the right to do that either by themselves or by their counsel. I notified them further that they had a right to summon witnesses, and if they would give the names to me I would issue subpœnas, and I would sit there two months to take their testimony if they desired it. Mr. Turner, who cross-examined the witnesses for the first two days, at the close of that time said he did not feel himself competent to cross-examine the witnesses, and asked if he could employ counsel. I told him that he could. He said he would like to have three days, and I said I would adjourn the court for three days or for a week to enable him to get counsel to conduct the cross-examination. I did adjourn the commission four days for his accommodation.

Question. Did he then appear with counsel?

Answer. No, sir; he appeared and said that the other two candidates would not aid him or assist him in paying for counsel, and that he could not do it by himself. One of the candidates, Captain Bacon, urged him to remain and see that the examination was conducted fairly.

Question. Did he decline to do so?

Answer. Yes, sir.

Question. Who was the other judge before whom Turner proceeded to take some testimony?

Answer. Mr. Geary, a judge of the city court.

Question. Who is he, and how did he undertake to take testimony?

Answer. He is a young lawyer, a young man of good character; I have a very high opinion of him; I think him a good man, and that he would do nothing illegal or wrong. Of course I was not present, and know nothing about it except from hearsay. But Mr. Geary himself told me that after they had organized and were proceeding to examine witnesses, he issued an order for the clerk to bring nine tickets from the ballot-box to him. The order was sent to the clerk of the superior court, who, under the law, had charge of the ballot-boxes, but only six tickets could be found. I had issued an order for some hundred and fifty tickets, only ninety-four of which could be found. That happened, not from any defect in the tickets, but from the fact that a great many men who voted from other counties, voted sometimes under one name and sometimes under another, and we could not know the name they voted under.

Question. Were those men chiefly colored or white?

Answer. All colored, so far as came before me. That there were white men who voted illegally, I have no doubt, and some of those white men voted the democratic ticket, and some the republican ticket. They got six tickets out of the ballot-box; they were all illegal votes; four of those illegal votes were for the republican ticket, and two for the democratic ticket. As Mr. Geary told me, (that is all I know about it, as he was the judical officer presiding,) they were very much disgusted at it, and they refused to go any further. They stopped there, and made no return of the evidence they took.

Question. Turner and his party were disgusted at this discovery?

Answer. Yes, sir.

Question. Turner has made complaint to this committee that there was what he termed a manipulation of the ballots; and he described a scene where he bursted open a door in the court-house building, and discovered the ballots all spread out upon a table, the clerk of the court being present, and three other men whom he did not know. He considered that his chances in that way had been prejudiced by the improper action of the clerk. Now, I desire to ask you the history of that transaction, so far as you have been informed of it.

Answer. I will state here that I never saw the ballot-boxes in my life. When an affidavit was made before me by Captain Bacon that he believed such and such a man had voted illegally, and that he desired the ballots to be produced in order to prove that fact, (that was in exact accordance with the statute,) I issued my order to the clerk to produce those tickets.

Question. Was the clerk the legal custodian of that ballot-box?

Answer. Yes, sir; made so by the statute. He was required to keep them and to obey any order of any judicial officer for that purpose. The deputy clerk, who had performed most of the duties of the office, was a candidate for re-election, or rather a friend of his was, and he expected to be reappointed. In my order to the clerk to open the box and produce these tickets, I made special order that Mr. Ross, who was interested in the election of the democratic clerk, should not be present, but that the clerk, who is as high-toned a man as there is in the county, was alone to do that thing; that he might take with him a sworn assistant to take down the list of the tickets as he took them out.

Question. Would it not be impracticable for a man to count up the entire ballot-box by himself?

Answer. Perhaps utterly impossible. I felt it my duty to make the order to preserve the ballot-box pure. It took him some three or four days to get out the tickets we called for. I think, as the clerk informed me, they were all night in hunting up the tickets for the court over which Mr. Geary presided.

Question. This clerk employed no one to assist him but his sworn deputies, who had a right to be present at the time the ballot-box was opened?

Answer. Yes, sir; and the deputy who was then in office, and who was a candidate for re-election, was ordered not to be present, and he was not present.

Question. Then, do you state here that, according to your knowledge, the whole examination of the polls was conducted honestly and according to law, without prejudice to either party in the case?

Answer. I as firmly believe so as I do in my existence. I believe so from the character of the men, and from what they told me, and from all the evidence that came before me. I had Mr. Ballard, the clerk, sworn before me that the examination was fair, and that not a ticket had been taken out of the box, except those called for.

Question. The legislature, I believe, has passed upon that case?

Answer. Yes, sir.

Question. I will ask you, as a matter of fact, as the judge superintending the testimony, whether Mr. Bacon, and the other contestants with him, did not sustain their allegations sufficiently to give them a majority of the votes, according to the poll-books?

Answer. Yes, sir; they proved 144 illegal votes by as clear evidence as was ever produced before a court; and I ought to state here, as due to myself, that in taking that testimony, I adhered rigidly to the rules of law in taking testimony. I allowed no

questions to be asked except such as were prescribed by the rules of evidence; but in the cross-examination, against the protest of Captain Bacon and his side, I allowed Mr. Turner to ask any and all questions he chose, whether they were legal or illegal. I did it because he was not a lawyer, and I desired to give him all the latitude I could.

Question. What is Turner's general reputation in that community among respectable men?

Answer. Well, sir, it is very bad.

Question. Does he set his people a good example in the way of morality?

Answer. To my knowledge, he is one of the most licentious rakes in our community; he is to-day the most profligate man almost that I have ever known in my life. I know now, from the statement of a colored woman that I raised from infancy, and who has lived with me and my daughter ever since she was free, who is living with me now, the nurse of my grand-children—she says she heard him say to some negro girls that there was no harm for the shepherds and the lambs to lie together. That is a matter I have never stated before to anybody; nobody but myself and wife ever knew of it; it was the cause of a separation between this colored woman and her husband.

Question. This man is the leading mind of his own people in that diocese?

Answer. Yes, sir.

Question. How many congregations do you suppose he has under his control?

Answer. I have no idea.

Question. He is a bishop?

Answer. Yes, sir, he told me so. I will state, because I looked upon it as a very unwarrantable interference with me, that I received the subpœna Sunday morning to come here. My court was in session; I was in the midst of a trial that had occupied two or three days. I had to announce to the bar that I had been subpœnaed here, and would adjourn the court that night, if I did not get through until midnight. I sat from 9 o'clock in the morning until 6 in the evening, without leaving the bench, for the purpose of getting through the case. I went home very much fatigued, and about 8 o'clock, being very much exhausted, I put out my light preparatory to going to bed. I heard a knock at the front door, and I went myself to open it, the servant having gone out. There was Mr. Turner.

Question. This was when?

Answer. Last Monday night. He told me who he was; we entered into a conversation. He had heard on the streets that it was reported that he had given very unfavorable and unfair evidence against the community in which he lived. He stated to me, most emphatically, that he had stated nothing that could in any manner impeach the quiet, order, and peace of that community, and denied that he had used any language to that effect. I asked him if he had not said something in relation to the manner in which I had taken the testimony there. He said most emphatically that he had not said a word about it; that my name was not mentioned. I said, "Mr. Turner, have you come here for the purpose of prejudicing my mind one way or the other, or for the purpose of merely stating to me what you have heard?" Said he, "I look upon the community in Bibb, Houston, and Twiggs," and some two or three other counties he mentioned, which were in his jurisdiction, "as peaceable, quiet, and orderly as any community in any part of the United States." He stated that to me Monday night. I told him that I was very sorry he had made this statement to me. He was very much excited indeed; and I told him that I was verry sory he had come to me at that time; that I would rather, if he wanted to explain himself, that he had waited until after I had testified. He said he knew I was subpœnaed.

Question. He had discovered that you had been subpœnaed?

Answer. He told me so in the first part of the conversation. He remained at my house probably an hour.

Question. You say he is a leader among his people; has he been a political leader, as well as a religious leader?

Answer. Yes, sir, more political than religious for the last year. I know this from the fact that I had used a great deal of exertion to try and get them to nominate good men. There had been a meeting of the black men in my office on one occasion, for which I received unlimited abuse from some few democrats. My object was to induce them to nominate good men.

Question. On the republican side?

Answer. Yes, sir; and I did succeed in it. But one of them, who became dissatisfied, refused to run, and that broke up the ticket and ended it. From the time of the surrender, and I was appointed judge, I used all the influence I could, not in the field, to induce good nominations and a good ticket.

Question. From what you say, I infer that you have a feeling of friendliness to the republicans?

Answer. I have always been in favor of reconstruction and getting back into the Union as soon as and as fairly as we could. I have acted in concert with the republican party, believing that was the party to get us back into the Union. I have never been an active politician, never an ultra man, and since I have been upon the bench I

have only acted from conservative motives. I was very desirous to get back into the Union. I was opposed to secession; I lost two young sons, just grown, in the war.

Question. You spoke of this man Turner; does he not traverse the State of Georgia, in the course of his political canvasses, and speak in different parts of the State?

Answer. Everywhere and all over the State, I believe; I have heard him say so. The first time I ever heard Mr. Turner was at Indian Springs, in the fall of 1866, or early in 1867; that was the first time I ever saw him. He had given notice of a meeting of the black people, and he made as conservative and satisfactory a speech as any man of his education and intelligence could have done. It was advice and counsel to the black people to be quiet and orderly, to work, telling them that they were now dependent upon their own exertions, and they must take care of themselves. It was such a speech as met with my entire approbation. He also made a speech after night, when no white men were allowed to be present; this I know of my own knowledge. The same night that he made that speech in the morning, he made one, and of my own knowledge it was entirely a political speech for the purpose of organizing a political party and cautioning the negroes against being influenced in any manner, shape, or form by the white people, and to band themselves together for their own protection. That destroyed very much of my confidence in him, it was so different from the speech he made in the morning. I heard the whole of the first speech, and a part of the second.

Question. After that time, what was understood to be the general character of his speeches throughout the State?

Answer. Very inflammatory.

Question. He made them all over the State?

Answer. So he has told me.

Question. Did you ever know of his being personally injured or assaulted?

Answer. I never have heard of it; I know he never has been in Macon. I know that at one time he and Mr. Long did have a guard about the house.

Question. Who is Long?

Answer. A black man elected to Congress from that district, and who took the seat and occupied it for two months. I told him and Mr. Long that there was no more danger to them than to me.

Question. Did they have a guard of armed men?

Answer. So I understood; I did not see them.

Question. How did they station them?

Answer. It was a guard kept about his house to prevent people from approaching it.

Question. Did they turn back the police and citizens, and all who went near that quarter of the town?

Answer. I know he went anywhere and everywhere, and never was molested or interrupted in any manner, shape, or form.

Question. Yet he stationed a guard of armed men about his house?

Answer. He told me it was not at his instance, but that the black men did it voluntarily and of their own accord.

Question. He unquestionably had control over the black men?

Answer. I suppose so.

Question. Could it have been done without his consent or desire?

Answer. I should not think so.

Question. Do you remember any threats being made, whether by him or by his associates, in regard to burning your town down?

Answer. I do not know. I have heard of such things, but I know nothing of them of my own knowledge. While upon that question I will state an instance, the evidence of which to me was very satisfactory: A Methodist church was burned there belonging to the white Methodists, one they had built for the negroes to worship in. A contest arose as to which wing was entitled to it, the northern wing of the Methodist church or the southern wing. The case went into the court and was decided in favor of the church that built it and had the title to it. The decision was that it was for them to say to whom they would give it. That night the church was burned.

Question. The decision of the case was in favor of the white men who had built the church and who owned it?

Answer. Yes, sir; and who had the title to it. That night the church was burned. I had a son-in-law who was living two hundred or three hundred yards from that church, right in front of it. The next morning he told me that when he awoke the whole inside of the church was in flames. He ran out of his back gate with a black man of the name of Wash, and as they ran to the mouth of the alley they saw a black man running along the fence, stooping down. Wash said it was Turner, but my son-in-law said he did not know Turner. The next evening I was at my daughter's, and I saw Wash and asked him about it, and he said that it was Turner. The matter was brought before the grand jury, and this man Wash was summoned as a witness. But before the grand jury he denied ever having seen Turner there, or ever having said

any such thing to my son-in-law or to me. Of course the matter ended there. It was not competent to impeach him before the grand jury.

Question. Had you reason to believe that that man Wash was intimidated and prevented from giving true testimony?

Answer. I do not know. I think that, as a general rule, they are very reluctant to give testimony against their own color. But he told me most emphatically the evening after the fire that he did see a man running along the fence from the church, stooping down, and that it was Turner. Yet before the grand jury he denied having seen any man, or making any such statement. I asked him afterward why he did so, and I could not get any answer from him.

Question. He was a well-dispositioned man?

Answer. So far as I know.

Question. In your son-in-law's employ?

Answer. Yes, sir; and had been for a year or two.

Question. And remained there afterward?

Answer. Yes, sir; until he removed to Philadelphia, where he now is.

Question. You have been living in this State for many years, practicing in the courts of law, presiding in the courts of law, conducting trials, and you have seen a large number of negro witnesses in the course of that time.

Answer. Yes, sir; a great many.

Question. I wish you would state to this committee the results of your experience in regard to the weight of negro testimony; how you class it, and the weight you attach to it, especially in cases where the circumstances in regard to which they speak have been accompanied by emotional excitement, such as fear or hatred?

Answer. Most usually they are witnesses in cases arising between black complainants and black defendants; it is not often they are witnesses for or against white men, though sometimes they are. They always take sides, and their testimony is always very much colored by their feelings on the side they take. I have seen negroes testify who appeared to me to testify as fairly as any witnesses, not as intelligently as white men, but in a great many cases they have testified fairly. In others I have seen them testify where they were evidently under a bias or partiality toward one or the other party. I tried a case of murder two weeks ago, where a black man was tried for killing a black woman. There were a great many witnesses, some eight or ten black women and men sworn, and the evidence was most confused and contradictory. It was in a drunken brawl, and evidently the witnesses were all of them too drunk to well understand what they were testifying about. I never heard such contradictory and conflicting testimony in my life. A jury composed entirely of white men found the man guilty of involuntary manslaughter. The evidence I did not think justified it; I thought it ought to have been an acquittal, that it was a purely accidental homicide. The negro had a gun, both barrels cocked; they were all drinking and very much excited, and some of them were attempting to take the gun from him. A man caught hold of the breech of the gun and tried to pull it away from him. This woman had caught hold of the muzzle of the gun, and in the *mêlée* the gun went off and killed the woman. I believe it was a purely accidental killing; I do not believe it was fired except accidentally. The man was convicted, and I immediately sat down and wrote to the governor, requesting him to pardon him, for I did not think he was legally convicted. I will state that in several instances, perhaps in as many as half a dozen, I have requested the governor to pardon where I thought the parties were not legally convicted, and where it was easier to get a pardon than it was to confine the parties in jail for six months until the next court, and have a new trial. I give this instance in answer to your question, to show that their evidence is frequently of not much weight.

Question. Do you find the negroes of your county are generally in the possession of arms?

Answer. Well, sir, I believe they all are, with very few exceptions.

Question. The politics of your county are overwhelmingly republican?

Answer. No, sir; I rather think the democrats have a small majority; it is very nearly balanced now.

Question. Who were the county officers of your county in 1870, prior to the election?

Answer. The sheriff and ordinary, and, in fact, all of them were republicans, with the exception of the clerk of the superior court.

Question. Were they white men?

Answer. Yes, sir; and very reputable good men.

Question. Are your justices of the peace white men?

Answer. All but one, I believe; there is a black man there who is a magistrate, and I think he is a very honest, correct man.

Question. Have you any knowledge of bands of disguised men roaming through your district, and inflicting injuries upon either property or persons?

Answer. I not only have no information of any, but I do not think it is claimed that

in my judicial circuit there has been more than one instance of that kind since the close of the war.

Question. When did that single instance occur?

Answer. A year and a half or two years ago.

Question. Was that an aggravated case?

Answer. Yes, sir.

Question. Where was it?

Answer. In Dooly County. I gave it in special charge to the grand jury. I would like to state the facts of that case and the part I took in it. Two young girls, not sisters, were going to school. They had to walk nearly three miles. The youngest was about seven years of age, and the oldest about twelve.

Question. Were they white girls?

Answer. Yes, sir.

Question. Children of respectable parents?

Answer. Yes, sir; of poor people. There was no school nearer than that to which the children had to walk. In going to school one morning they were waylaid by a black man well known in the county, and the little girl of seven years had her head nearly cut off with a razor, from the shape of the wound. He dragged her body into the woods, and then committed a rape upon the girl of twelve years. He tied her arms behind her and her legs together, and kept her upon her back the whole day, and went to her three times during the day. About 3 o'clock in the afternoon he went off to get a pick and spade to dig a grave. While he was absent, she got her legs loose and escaped to a house. She told what had occurred, and two men went back and found the little girl murdered, and in a few minutes found him digging a second grave. They sought to arrest him, and he resisted and made fight, but they were armed, and compelled him to surrender. They were orderly, quiet, good citizens, and, fearing, as they stated before the grand jury, that the parents of those children would probably seek to kill the negro, they went with all the rapidity they could to the county seat and put him in jail without any warrant, as much for safe-keeping, they said, as for anything else. This was on a Friday. On Sunday, some fifteen or twenty men went to the court-house; it was a very small village, only a half a dozen families living there. They went to the jailer's house, tied him, took the keys from him, went to the jail, took the negro out, carried him off a mile out of town, and hung him. That was the evidence before me and the grand jury. It was further in testimony before the grand jury, by the jailer, that he was not much acquainted in that county, and did not know any one of the parties engaged in it, though it was sincerely believed that the two fathers were the leaders, and that there were some black men with them. They were not disguised at all, so he testified. The girl, who was only twelve years of age, testified that the negro tied a rope around her waist. It is in testimony in one case, where a negro was tried for attempting to commit a rape upon a little girl nine years old, that he did the same thing; that by tying anything tight around the body of a young female it causes the body to protrude in such a manner that a rape could be more easily committed. She stated she was tied in that way. She was mangled and torn in such a way as to render her life precarious for several weeks. I state that upon my oath, and upon full knowledge. And yet, upon such a case, I charged the jury to investigate and look into it; that while, as a man, I might justify such a thing, and they might, yet, as a jury, it was their duty to inquire into it and find out the offenders. They did so, and subpœnaed the jailer and everybody living in the place. Nobody knew anything about it but the jailer. There was a black man who testified in the matter, but he said he did not know. It was generally believed that he was one of them. In connection with that, right here let me say that I have made it my invariable rule, and I did so last winter, in charging the jury, to say that it was their duty, totally disregarding race, color, or condition, to inquire into every violation of the law, and particularly into any wrongs that were inflicted upon the weaker class. I have made it my invariable rule to do so in my courts.

Question. Do you believe your juries are disposed to concur in your sentiments and to carry out the law?

Answer. Yes, sir. My bar say that my influence over the juries is too great. I never have had any occasion to find fault with them.

By the CHAIRMAN:

Question. Do they say that to your face?

Answer. One gentleman did, and I fined him $100.

By Mr. BAYARD:

Question. In a case where he was one of the counsel?

Answer. He was in the case, and it was in an argument to the jury.

Question. What case was that?

Answer. One of murder.

Question. Was he for the defense or for the prosecution?

Answer. For the defense.

Question. He considered that you bore too hardly against the prisoner?

Answer. Yes, sir.

Question. And, expressing himself with indecorum, you fined him?

Answer. Yes, sir; and he expressed himself very indignantly toward Governor Bullock for exercising his pardoning power, and I fined him for that.

Question. Was he defending, in that case, a white man or a black man?

Answer. It was a white man, charged with killing a negro, just after the war, in a drunken brawl. I believed, and do yet, that it was a case of murder. But the son and daughter of the prisoner made out as clear a case of justification as ever was, and the jury acquitted him. My impression was against that, and I charged the jury very strongly.

Question. You say this case in which the fifteen men took this negro out of jail——

Answer. I did not say fifteen; I said fifteen or twenty.

Question. A band of men took this prisoner by night from the jail and executed him. That was the only case in your circuit where you have known a band of men to commit acts of violence by night upon other people?

Answer. It is the only case I have ever known in my circuit.

Question. You spoke of the very horrible treatment of these little children, and of the effect of compressing the body of a young girl with ropes. Do I understand you to say that this had been proven in other cases?

Answer. Yes, sir; in a case tried a year and a half ago.

Question. I do not care to go into the details of these shocking cases. I would therefore spare you, and perhaps also the committee, from giving the details of these cases. I will merely ask you to state whether cases of a similar character have been known of negroes who resorted to a compress upon the bodies of their little victims?

Answer. In one case in Bibb County it was proved on the trial that, in the case of a little girl nine years of age, he failed to make a penetration, and therefore he was only convicted of an attempt to commit a rape. It was proved in that case that he used a handkerchief around her body.

Question. Was such a practice proved to be common and known among them?

Answer. These are the only instances I have known.

Question. Was the motive of these two men explained in making this compression of the body?

Answer. Yes, sir.

Question. They understood the effect of it?

Answer. Yes, sir. I will state that in that case it was a negro committing violence upon a little negro girl nine or ten years of age. I had myself to go to the jail to prevent the negroes from killing him.

Question. Is there any other thing touching the condition of your country that you may desire to state? Perhaps I will ask this question: Do you consider that in the district over which you preside as a judge the laws of your State are efficient for the protection of person and property, and that well-meaning, well-disposed persons are perfectly safe in that neighborhood?

Answer. Having lived in Macon nearly forty-four years, I think I am capable of judging. I have never seen or known a more quiet, orderly community than exists in the whole of my circuit. I travel from one end to the other of it, and I have never carried a weapon, and have never been, in any manner, shape, or form, interfered with or insulted by white person or black. The peace and order of both classes are now as good, if not better, than before the war.

Question. Do you believe that citizens in your midst, say from the Northern States of this Union, or any others, can freely and with perfect security express their political opinions and enjoy them as other men?

Answer. I believe they can, as much as I can. No northern man need have any more fear of traveling through our county than a southern man, unless he goes to grog-shops and gambling-houses, when he may get into trouble. If he is a gentleman, and keeps the company of gentlemen, he is as safe there as in any other part of the Union.

Question. He can find trouble if he seeks it?

Answer. Certainly.

Question. Do you think there is any prejudice existing there against men on account of their northern birth?

Answer. No, sir; on the contrary, I think there is a very strong desire on the part of all our people to invite and get northern immigration.

Question. You were born in a Northern State?

Answer. Yes, sir.

Question. Have you found that that fact impeded you in any degree in gaining the respect and good will of your fellow citizens?

Answer. Not at all. I have been elected twice to conventions for the formation of a constitution, once immediately after the war. I was absent and knew nothing of my nomination until after I was elected. I have been judge of that circuit ever since the

close of the war, and under the many changes that have taken place; I was elected once by the people, and by an almost unanimous vote. Perhaps there were some men who did not vote, but there was not a single vote polled against me. I have had the confidence of the people, notwithstanding that it is known universally that I was opposed, and continued opposed, to secession and to the war from the beginning to the end; that I was a Union man emphatically; as much so as any one in Georgia, from the commencement of the war to its close; that at its close I expressed myself as strongly as anybody for a restoration to the Union.

Question. In the course of your duties have you met your brethren on the bench in your visits?

Answer. Yes, sir.

Question. With whom have you had conversation within the last twelve months?

Answer. I had a conversation yesterday and to-day with two of them.

Question. Who were they?

Answer. Judge Sessions, of the southern circuit, and Judge Twiggs.

Question. Have you met others, at different times?

Answer. Yes, sir.

Question. In the course of your conversations with those gentlemen, have you been led to speak of the condition of the State generally, and of their districts?

Answer. Yes, sir. I have not within the last two or three years seen Judge Andrews, the judge of the northern circuit; I have not seen him since 1868; I have seen the other judges.

Question. Have you seen Judge Clark?

Answer. Yes, sir.

Question. In the course of these interviews have you had occasion to discuss with them the condition of your State, as a whole?

Answer. Yes, sir.

Question. What account did you derive from those gentlemen?

Answer. About the same as my own.

Question. You found among yourselves a concurrence of opinion in regard to the generally peaceable condition of the State?

Answer. Yes, sir. The black men have had their civil rights of person and property as secure and as safe as any one.

Question. There is a justice of the peace, I believe, at present a State senator, of the name of T. G. Campbell, of Darien?

Answer. I know nothing of him, directly or indirectly.

By the CHAIRMAN:

Question. From how large a portion of the State have you seen judges during the last three years?

Answer. I can hardly remember; but within the last twelve months I have seen some half a dozen judges and have conversed with them, for we have usually compared notes on the subject.

Question. And their experience, as they stated it to you, has been substantially the same as yours?

Answer. Yes, sir. I have not seen Judge Andrews, I believe, but I have seen Judges Sessions, Clark, Twiggs, Strozier, &c.

Question. What is your age?

Answer. I am sixty-eight, going on sixty-nine.

Question. You have spoken of your political belongings; how did you vote last winter in the congressional election?

Answer. I voted for Mr. Speer; I did not vote for Mr. Long.

By Mr. BAYARD:

Question. He is the present member in the House of Representatives?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You have spoken of an affair in Dooly County, and you say that is the only instance you have known, or ever had any reliable information of, where any violation of law or outrage has been committed by disguised men?

Answer. In my circuit, yes, sir; I know a case where a colored girl, eighteen or twenty years old, murdered a white girl in Bibb County. It became necessary, as the officers of the county thought, that I should proceed in the preliminary examination, for they feared she would be killed, and I did so.

Question. You say this negro who committed a rape upon the little colored girl was tried and convicted?

Answer. Yes, sir; of an attempt to commit a rape.

Question. Who was the one the governor pardoned, of which the lawyer complained?

Answer. A man of the name of Hoy, who committed a murder upon a negro man in

a drunken brawl in a grog shop, on Sunday. It was a mutual fight; both had their pistols drawn. It was probably that that acquitted Mr. Hoy.

Question. There was no necessity for a pardon?

Answer. That was the negro woman who killed the white girl.

Question. You said you fined a lawyer for speaking disrespectfully of you in the case of a man who was acquitted, and also for speaking disrespectfully of Governor Bullock?

Answer. Yes, sir; in relation to the pardoning power he had exercised.

Question. I understand you have made application to him to pardon several persons, and he has done it?

Answer. Invariably, whenever I have asked a pardon.

Question. You thought they ought to be pardoned?

Answer. Yes, sir.

Question. You say the negroes are generally orderly; how is it with the white people?

Answer. They are so, too.

Question. You say that colored witnesses were confused in their testimony; how is it with white people under the circumstances you have mentioned?

Answer. They would be equally so, I suppose.

Question. You say that negroes take sides in their testimony; have you not seen white persons taking sides?

Answer. Certainly I have.

Question. You have spoken of the case of Hoy. Was Molloy tried before you?

Answer. Yes sir.

Question. What was he charged with?

Answer. The murder of a colored man.

Question. Was he convicted or acquitted?

Answer. He was acquitted.

Question. You have spoken of Mr. Fitzpatrick as an Irishman. Are you enough acquainted with him to speak of his being a reliable man or otherwise?

Answer. I am well acquainted with him; outside of politics he is a reliable man; in politics he is very bitter and unreliable.

Question. I am requested by him, in a letter before me, to ask you whether you did not state to him at the adjournment of the court, on two occasions, that there was no justice for a colored man before a jury of white men.

Answer. No, sir; I never made any such statement. I would not have made it even if I had thought so.

Question. Did you not state, further, that you were strongly impressed with the idea of adjourning the court *sine die*?

Answer. No, sir.

By Mr. BAYARD:

Question. This is the whole of the letter of Mr. Fitzpatrick:

"MACON, GEORGIA, *November* 6, 1871.

"DEAR SIR: Judge C. B. Cole, of the Macon circuit, adjourned the superior court to-day for one week, to enable him to appear before your committee for the purpose of disproving or counteracting the testimony of H. M. Turner. He is a bitter enemy of Turner's; in fact, he is a bitter enemy of republicanism. Some time ago he went to Washington, adjourning his court, as now, at the request of the democrats of this vicinity, to have Turner turned out of the Macon post-office. Thomas Hardiman, and the democratic candidates who have taken the seats to which republicans were elected from this county in the Georgia legislature, have requested Judge Cole to appear before your committee. Remind Judge Cole, while under oath, of two cases that were tried before him, Alfred Hoy and John Molloy, who murdered two colored men in cold blood. Hoy and Molloy are white men; were discharged; whether Judge Cole did not state to myself, at the adjournment of his court on the occasion, that there was no justice for a colored man before a jury of white men. If he did not state further to a prominent citizen, after the court adjourned, that he (Judge Cole) was strongly impressed with the idea of adjourning the court *sine die*. The judge is old and very excitable; in fact, he is getting childish. He was a rampant reb., and ready and willing at all times to respond to the wishes of rebs. I don't know what Turner testified before you; but one thing I do know, he must have an extraordinary memory if he could tell you half what he does know.

"Respectfully, &c.,

"JAMES FITZPATRICK,
"*Macon, Georgia.*

"Hon. HORACE MAYNARD,
"*Atlanta, Georgia.*"

Answer. Mr. Fitzpatrick was not in Georgia at the breaking out of the war or at the close of it; he came here afterward.

The CHAIRMAN. It is proper that I should state that I did not intend to bring forward the portion of the letter that is personally reflective, or in any way reflecting upon the judge.

Mr. BAYARD. I expect Judge Cole can stand that. As he is on his oath, it is right he should know what is said, and have a chance to answer it.

The WITNESS. I do think, as I said before, that Hoy was guilty of murder, and but for that evidence of his son and daughter, I have no doubt he would have been convicted. But I should never have made such a statement as this, even if I had thought it.

By the CHAIRMAN:

Question. Are you personally acquainted with Mr. Long?

Answer. Yes, sir.

Question. What is his standing and character?

Answer. Good, as far as I believe; he is a very strong party man; a very violent man in his party politics.

Question. Do you know Mr. N. D. Sneed?

Answer. Yes, sir.

Question. Do you know Rev. R. J. Brown?

Answer. No, sir.

Question. Do you know Mr. Thomas Creswell?

Answer. I do not.

Question. Do you know Doctor T. Harris?

Answer. I do not think I know him.

Question. Are you acquainted with Mr. Long's handwriting?

Answer. I have seen it.

Question. Will you look at this letter and see if you think it is his handwriting?

[The letter is as follows:

"MACON, GEORGIA, *November* 6, 1871.

"SIR: I learn that strong efforts are being made to overthrow the testimony given by the Hon. H. M. Turner before your committee, as to the existence of Ku-Klux in this section of the State.

"I most respectfully ask, in behalf of the loyal citizens of this community, that you summons before you the following gentlemen: N. D. Sneed, notary public and *ex officio* justice of the peace; Rev. R. J. Brown, presiding elder, Macon district; Thomas Creswell, a man of unquestionable veracity; Dr. T. Harris, M. D. and A. M., to the care of N. D. Sneed, esq.; Hon. James Fitzpatrick.

"I have the honor to be, very respectfully, your obedient servant,

"JEFFERSON F. LONG,
"*Ex. M. C.*

"Hon. H. MAYNARD,
"*Atlanta, Georgia.*"]

Answer. I should say that it is in his handwriting.

Question. If that letter was written by him, he is a very creditable scholar, is he not?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Do you judge a man's scholarship by his penmanship?

Answer. I think Mr. Long is a very scholarly man.

By the CHAIRMAN:

Question. You are satisfied that this is his letter?

Answer. Yes, sir.

Question. State what knowledge or reliable information you have of the existence in the State of Georgia of an organization known familiarly as the Ku-Klux.

Answer. I have no information on that subject, directly or indirectly. I do not believe that any such has ever existed in my circuit; I do not think it could have existed without my knowledge, for I have taken every pains to inform myself upon all subjects connected with criminal transactions in my circuit.

Question. Have the other judges you have talked with expressed the same opinion?

Answer. The most of them; I have not seen Judge Andrews for four years.

Question. Who is the judge in the circuit embracing Wilkinson County?

Answer. Judge Robinson.

Question. Have you talked with him?

Answer. No, sir; I do not know him personally.

Question. Who is the judge that presides over the district in which Putnam County is situated?

Answer. The same.
Question. Who is the judge of the circuit in which Hancock County is situated?
Answer. Judge Andrews.
Question. Who is the judge of the circuit in which Burke County is situated?
Answer. That is in the Augusta circuit, of Judge Robinson.
Question. In whose district is Jefferson County?
Answer. In Judge Twigg's district.
Question. In whose district is Haralson County?
Answer. I do not know.
Question. In whose district is Floyd County?
Answer. I do not know.
Question. In whose is Chattooga County?
Answer. I do not know; there have been so many changes within the last year or two, that I have forgotten.
Question. Have any persons come to you and made complaint of having been mistreated by these bands of disguised men?
Answer. No, sir.
Question. How have the negroes of your acquaintance behaved themselves?
Answer. Very well generally; there have been a great many murders among them, growing out of two causes. I have tried in the last two years two negro women for killing negro women. Jealousy and quarrels among children and many other matters led to it. Those two causes create a great deal of difficulty.
Question. The behavior of colored people toward white people has been fair?
Answer. Yes, sir.
Question. How have the white people treated the negroes?
Answer. As well as they have, and perhaps better; the white people have exercised great forbearance toward the blacks.
Question. You have spoken of what occurred at elections, and of speeches made by Turner long before the elections?
Answer. The night before.
Question. Did you hear them?
Answer. Only in part.
Question. They were excited political speeches?
Answer. Yes, sir.
Question. Did you ever in the course of your life hear a speech by the Hon. Robert Toombs?
Answer. Not a political speech.
Question. Did you ever hear one by Mr. B. H. Hill, or any other prominent democratic politician?
Answer. No, sir; I have not been in the habit of attending political meetings.
Question. You cannot tell how the speech of Turner compared in violence with the speeches of those others?
Answer. No, sir.
Question. How long after the election did you begin the investigation into the frauds of the election?
Answer. Within a week.
Question. Where was the ballot-box between the time of the election and when you commenced your investigation?
Answer. In the clerk's office, in the control of the clerk, as the law places it. The managers of election, after they had counted the votes and put them in the box, were obliged by law to return them to him, and he was to keep them, and only open the box on an order of a civil magistrate.
Question. You never saw them?
Answer. No, sir.
Question. What was the name of the clerk?
Answer. The name of the clerk was Ballard, and of the deputy clerk, Ross.
Question. They live in Macon?
Answer. Yes, sir.
Question. Turner, Fitzpatrick, and their associates were declared elected, and had the certificates of election?
Answer. Yes, sir.
Question. And these other men contested?
Answer. Yes, sir.

By Mr. BAYARD:

Question. To whom did the secretary of the State deliver the certificate?
Answer. I really do not know.

By the CHAIRMAN:

Question. Who was seated at the beginning of the session?

Answer. I know nothing about it, except what I have seen in the papers and some information I have derived from Governor Brown. I understood from him that Governor Bullock, in consequence of the certificate of the election of Turner and Fitzpatrick and their associate being informal, and in consequence of the evidence submitted before him, returned those three men as elected; but the legislature thought it was necessary to investigate and inquire before they seated either class. I suppose that Governor Bullock thought these men who were seated were properly elected. I had that from Governor Brown.

By Mr. BAYARD:

Question. Although Governor Bullock thought that and gave them the certificate, the legislature would not seat either party until they investigated the case?

Answer. Yes, sir; so I understand.

By the CHAIRMAN:

Question. Turner, Fitzpatrick, and their associate were returned by the managers as having a majority?

Answer. Yes, sir; by a majority of the managers. The governor put it upon the same ground as the vote of Sumter County in the election of member of Congress. The certificate was given properly and formally, and he rejected it, and gave the certificate to Mr. Whitely instead of Mr. Clift.

The CHAIRMAN. As to what Mr. Turner has testified before this committee you will see his testimony in print, and you can examine it at your leisure, and ascertain exactly what he did say.

By Mr. BAYARD:

Question. Mr. Fitzpatrick, who wrote this letter, was on the ticket with Turner running for the legislature?

Answer. Yes, sir.

Question. I observe that in this letter he finds fault with you for having gone to Washington to get Turner removed from the Macon post-office. Do you know what was the cause of Turner's removal from that office?

Answer. I believe I do; I believe I know it from the President and the Postmaster General.

Question. Mr. Creswell?

Answer. Yes, sir; I was before them several times. They regretted the appointment of Turner, and both so expressed themselves to me. I believe, in fact I know from their statement, that he was removed in consequence of the charge against him for stealing money.

Question. Was there not a letter which had been written by Turner while a member of the legislature to a colored preacher of the name of Jones, inclosing him a free pass over the State road?

Answer. Yes, sir; I saw that letter and know it was in his handwriting.

Question. What was the character of that letter? I do not ask you to soil your mouth by repeating the language, but what was the character of it?

Answer. It was exceedingly obscene. I saw the original letter, read it, and I know it was in his handwriting. It was so obscene that I do not desire to repeat it.

Question. It is not fit to put upon record?

Answer. No, sir.

Question. Was that letter generally known in the community to have been written by him.

Answer. Yes, sir; he admitted it, and gave as an excuse to me for writing it that he did it in fun.

Question. It was written to a colored clergyman?

Answer. Yes, sir; or I do not know whether it was to a colored clergyman or to a white one.

Question. Do you not know that Jones, the person to whom he wrote it, was a negro preacher?

Answer. I do not; I do not know him; the impression upon my mind was that he was a colored clergyman.

Question. Was not that letter generally known in your community to have been written?

Answer. Yes, sir.

Question. It was known to Mr. Fitzpatrick—the general character of it?

Answer. Yes, sir.

Question. And knowing that letter, and other causes, the President of the United States and Mr. Cresswell told you that they regretted his appointment, and had discharged him from office?

Answer. Yes, sir; he was in the office but a week or two. I did go to Washington for that purpose. But it is right that I should state here that of the principal men who

urged me to go there for that purpose, two of them were republicans, and one of them has since been postmaster. Old Mr. Bond is as worthy a citizen as there is in the State of Georgia.

By the CHAIRMAN:

Question. Who was the other one?

Answer. They were Mr. Bond and Mr. Ward.

By Mr. BAYARD:

Question. Your going to Washington was to assist in representing this man's moral unfitness for the place, and you did so at the request of gentlemen of the republican party?

Answer. As well as of democrats.

Question. One of whom has since been appointed to the place?

Answer. Yes, sir.

Question. I understand you to say that that beastly letter of Turner's was known to Mr. Fitzpatrick?

Answer. Everybody knew it.

Question. Of course he knew it when he wrote this letter two days ago. In the cases of the two men he has mentioned, Hoy and Molloy, you did not agree with the jury in the verdicts they rendered?

Answer. I did not in the case of Hoy.

Question. You did not make any such statement as he alleges?

Answer. I have no recollection of it, and it was contrary to my habits of life. I am confident I never did make any such statement.

Question. Then Mr. Fitzpatrick was a fellow candidate with Turner, and, knowing Turner's character and the character of the letter that he wrote, he still indorses him, and considers him worthy of a place in the legislature of Georgia?

Answer. Yes, sir.

Question. Does Mr. Long also honor Turner?

Answer. They are very intimate.

Question. He is acquainted with these facts?

Answer. Yes, sir.

Question. He is perfectly well acquainted with this letter written by Turner?

Answer. I have no doubt of it.

Question. And he continues to associate with him, and is his political and personal friend?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Has that letter been canvassed through the country there—been brought up before the ecclesiastical authorities to the prejudice of Turner?

Answer. I have heard that it has been, but I do not know it of my own knowledge. I know it was very much discussed at the time.

Question. It is not a new and secret affair?

Answer. Not at all.

Question. Was he removed from the post-office because he had stolen money, or because of writing an indecent letter?

Answer. I suppose it was in consequence of his connection with stealing money.

Question. Has he been prosecuted for it?

Answer. Warrants were sued out against him, and an examination was had before Mr. Morrill, who now lives in this place, and who was United States commissioner at the time.

Question. What became of the case?

Answer. It was dismissed.

Question. Was it for stealing money or for passing counterfeit money?

Answer. It was not for passing counterfeit money; it was either for stealing money, or for having in his possession money that had been stolen. I really do not know the particular terms of the affidavit.

Question. We have had Mr. Morrill before us, and he testified to no stealing of money, but to the charge of passing counterfeit money.

Answer. He knows better than I do; perhaps that was it.

Question. Were the facts about the post-office this: that a democrat of the name of Washington was in the office?

Answer. He was in the office, but he is as far, probably, from being a democrat as any man in Bibb County. He and his father had both been republicans from the close of the war.

Question. That is your understanding?

Answer. Yes, sir.

Question. Mr. Washington was suspended and Mr. Turner appointed?

Answer. Yes, sir.

Question. And upon the representations that you all made, Turner was suspended and Washington reappointed?

Answer. Yes, sir, and continued there until within a few months, when Mr. Bond was appointed.

Question. How did it happen that Mr. Bond was appointed over Mr. Washington, if he was so excellent a republican?

Answer. I do not know what influences were brought to bear. I have heard outside that it was in consequence of his having some democratic clerks in the office. I do not vouch for that at all, for I do not know.

By Mr. BAYARD:

Question. Were the President of the United States and the Postmaster General made aware of the fact of that obscene letter being written by that man?

Answer. It has been so long since, I could not say positively; but my impression is that they were aware of it.

Question. I need scarcely ask you whether you are of the opinion that that letter, being made known to any decent man, would completely disqualify the writer of it from any position of honor or trust?

Answer. I frankly say it destroyed all my confidence in him. I could not put any confidence in a preacher who would use such language.

ATLANTA, GEORGIA, *November* 8, 1871.

E. A. HIGHTOWER sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.

Answer. I am twenty-seven years old; I was born in Greene County, in this State, and now live in Hancock; I have been teaching school since the war closed.

Question. During that time have you lived in Warren County at all?

Answer. Yes, sir, for two years.

Question. What time?

Answer. A portion of 1867, the year 1868, and a portion of 1869.

Question. State what you may know of your own knowledge, or from reliable information, of a secret organization that is commonly called the Ku-Klux.

Answer. There was, in 1869, a secret organization in the part of the county in which I lived. If it was a political organization it never was so stated to me.

Question. What was the character of it?

Answer. They did their work at night, what work was done, I suppose in disguise, though I never saw any of them in disguise.

Question. Did you join it?

Answer. I did.

Question. At what place?

Answer. In Warren County.

Question. In what part of Warren County?

Answer. In the northern part, in the portion adjoining Hancock and Taliaferro

Question. Where did you join it—in a house or out of doors?

Answer. I joined it in a public road.

Question. In the day-time, or in the night?

Answer. In the day-time.

Question. How many persons were present?

Answer. Two.

Question. Who were they?

Answer. Mr. Battle and Mr. Davenport.

Question. What was the full name of Mr. Battle?

Answer. Jerry Battle.

Question. What was Mr. Davenport's full name?

Answer. Mark Davenport.

Question. What was the ceremony of joining?

Answer. We merely took an oath to protect and defend each other, and obey orders coming from the captain or chief officer; at least that was the oath I took.

Question. Would you know the oath if you were to hear it repeated?

Answer. I would know the substance of it.

Question. Is this the oath that you took?

"I, ——, of my own free will and accord, and in the presence of Almighty God, do solemnly swear (or affirm) that I will never reveal to any one not a member of the * *,

by any intimation, sign, symbol, word, or act, or in any other manner whatever, any of the secrets, signs, grips, passwords, mysteries, or purposes of the * *, or that I am a member of the same, or that I know of any one who is a member, and that I will abide by the prescript and edicts of the * *. So help my God."

Answer. The substance was about that; those were not the words, I think.

Question. Did you ever attend any of the meetings of the order?

Answer. I never did.

Question. Did you know when those meetings were held?

Answer. No, sir, I did not.

Question. How came you to join it?

Answer. There was a crowd of men who were going around there, and it was thought by a great many that it would be dangerous not to join them; that was my opinion of it.

Question. How many were there that belonged to it.

Answer. I do not know the number; we could not tell.

Question. Have you any idea of the number?

Answer. I suppose some twenty-five or thirty in that portion of the county were active members.

Question. Was there what was called a den in that county?

Answer. If there was I did not know it.

Question. Did you ever see a manual or ritual or prescript of the order?

Answer. No, sir.

Question. You never have seen it?

Answer. No, sir; and I do not think the organization I belonged to had anything of the kind; I do not know, but that is merely my opinion.

Question. Who first spoke to you about joining them?

Answer. This man Battle was the first one that ever spoke to me about it.

Question. How long before you finally joined it?

Answer. Only a few days, a very short time; we were neighbors.

Question. What reason did he give you why you should join?

Answer. The same reason I gave you a little while ago, that it would be best for us young men there to join it, in order to keep from being molested ourselves.

Question. Why would you have been molested?

Answer. From the fact that if we did not belong to it they would suppose we were opposed to it.

Question. You were teaching?

Answer. I was farming that year; I taught two years before that.

Question. A white school?

Answer. Yes, sir.

Question. How had you been engaged during the war?

Answer. I was in the confederate army during the war.

Question. What were your political sentiments?

Answer. Before the war or during the war?

Question. Well, since.

Answer. I have always acted with the democratic party.

Question. And they represented that it would be safer for you to be in the organization than out of it?

Answer. Yes, sir.

Question. And that if you did not join it you would be regarded as an enemy?

Answer. Yes, sir; that was it.

Question. Did you know the names of any of the officers?

Answer. No, sir; except the one that commanded there. I was told who he was.

Question. Who was he?

Answer William Allen; I do not know that he had any middle name; if he had I was not aware of it.

Question. Did any other members of the order give you any report of their doings; tell you what they had done?

Answer. Well, I do not know that I could state now positively that they did. I asked about some things that had occurred before the time I joined, and I was told something about them.

Question. What things were they?

Answer. The principal thing I asked about was the killing of a negro there in our neighborhood, within a mile and a half of where I lived.

By Mr. BAYARD:

Question. What was his name?

Answer. Isaac something; I do not know what the other name was. I asked Battle if he knew anything about it and he said he did not; that he did not belong to the order at that time, and that they were not allowed to tell each other anything about anything of that kind.

By the CHAIRMAN:

Question. Was your connection with it before or after Doctor Darden was killed?

Answer. It was after Doctor Darden was killed.

Question. Did you ever have any conversation with any of them on the subject of killing Doctor Darden?

Answer. I asked some of them about it, and none of them knew anything about it. They all denied having been there at the time Doctor Darden was killed—every man in our portion of the county.

Question. Do you know, or have reliable information, who the men were who killed the colored man?

Answer. I suppose I have; it has been before the court, and those men acknowledged it before the court.

Question. Who were those men?

Answer. This man Allen states in his evidence that there were seven of them, and that a man by the name of Beckwith killed the negro. Since then Beckwith has been tried before the civil courts and acquitted.

Question. Has there been any one punished for killing the negro?

Answer. There were two Beckwiths taken up there in the early part of 1870, by the military authorities, and kept in confinement for several months; I do not know exactly how long. They were then turned over to the civil authorities and tried in the superior courts, at least one of them was, and acquitted. The other was released on bond some time before that, and I do not think his case has ever been brought before the court; at least that is what I am told; I do not know of my own knowledge.

Question. Can you give the signs of the order as they were communicated to you.

Answer. Yes, sir.

Question. Will you do so?

Answer. If you wanted to find out if a man belonged to the order you were to pull your ear with the thumb and forefinger of your right hand, and if he was a member of the order he would do the same. There was also a sign in this way, sticking our thumbs inside of the waistband of the pants and slapping the palm of the hands down on the pants.

Question. What were your grips?

Answer. There was only one that I had.

Question. What was that?

Answer. I do not know that I can explain it to you very well. It was something like this: when you shook hands with another you put your forefinger on the wrist feeling of it.

Question. What were the pass-words?

Answer. I do not remember but one; if there were others I do not now recollect them. If you were in distress you were to say "Ambulance;" that was the word of distress. If there were any others I do not remember them.

Question. How many persons do you know, of your own knowledge or from reliable information, were connected with the order?

Answer. I suppose about fifteen.

Question. Were they all like yourself, democrats?

Answer. No, sir; I knew of some that belonged to the republican or radical party, as it is called here.

Question. Who were they?

Answer. Their names were Moore and Andrews; that is, Moore is a republican, and everybody says that Andrews is a republican, but he does not say so himself.

Question. What was Moore's full name?

Answer. S. T. Moore.

Question. Where does he live?

Answer. I think he lives in Augusta now; he did live near Barnet.

Question. What was his business?

Answer. He carried on a farm there, and was also an assistant assessor of revenue.

Question. What was Andrews's full name?

Answer. E. R. Andrews.

Question. What was his business?

Answer. He assisted Moore in his revenue business.

By Mr. BAYARD:

Question. United States revenue?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know when they joined?

Answer. I do not.

Question. Do you know how they came to join?

Answer. I do not.

Question. How did you get information that they were members?
Answer. From Mr. Andrews himself.
Question. Did he tell you that he and Moore were members?
Answer. Yes, sir.
Question. Did you ever see them with the order?
Answer. I never did; I never was with the order myself.
Question. Were you ever invited to go out?
Answer. I was requested at one time to meet the order and elect a captain. I did not go, and I heard afterwards that they did not have any meeting?
Question. Who requested you to go?
Answer. I think this man Battle; I am not positive as to that.
Question. Where were you to go?
Answer. To the best of my recollection now we were to meet in some woods near the house where this old colored man Isaac was killed; that is my best recollection now, but I would not state positively as to the place.
Question. Was it before or after Mr. Adkins was killed that you joined the order?
Answer. I do not recollect what time he was killed.
Question. He was killed in April or May, 1869.
Answer. I think it was after that that I joined; I know I joined after Dr. Darden and this negro were killed. I think they were both killed the same week.
Question. What had the negro been doing?
Answer. I do not know; I never heard that he had done anything.
Question. You never heard any charge against him?
Answer. Allen stated on the trial that the negro raised an axe and they shot him.

By Mr. SCOFIELD:

Question. At his house when they attacked him?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know whether others joined it because they were told it would be better for them to do so in order to keep the Klan off of them?
Answer. I think Battle and Davenport both told me so.
Question. Did they tell you that others had joined it for that purpose, or that they themselves had done so?
Answer. That they had done so, and that it would be better for all of us to do so.
Question. Do you know whether others besides them joined it for the same reasons?
Answer. I do not.
Question. How near did you live to these men, Moore and Andrews?
Answer. About four miles at that time.
Question. Did Battle or Davenport ever tell you what the order had been organized for; what it was designed for; what the object of it was?
Answer. I suppose it was to keep order.
Question. How to keep order?
Answer. I suppose the intention of it was to keep order among the negroes.
Question. Had this negro done anything that they should have gone to his house?
Answer. I never heard of anything that he did. I was told that when they went to a place they just told the negroes to behave themselves; that they were not going to trouble any of them. I do not state that as a fact, but it is merely what I heard.
Question. I wish you would state whether you are not satisfied that the object of this organization was to influence and, if possible, to control the elections?
Answer. Well, I suppose that was the intention of it; it was not so stated to me at the time I joined.
Question. So I understand. Why did you not go to the meeting when you were invited to attend?
Answer. Well, I did not feel disposed to go.
Question. I presume the fact is that you had very little heart in it anyhow?
Answer. Very little.
Question. You joined them simply to keep them from you?
Answer. To protect myself; that was all.
Question. Do you think you were very largely confided in by them; that they trusted much to you?
Answer. I do not think I was; I cannot say that I was.

By Mr. LANSING:

Question. Where were you when you joined?
Answer. In the public road from Powellton to Barnet.
Question. It was in the day-time?
Answer. Yes, sir.
Question. How near to any house?
Answer. About a half a mile, I suppose.

Question. Were you there by arrangement?

Answer. It was no arrangement on my part; it might have been between the others.

Question. Had you had any previous conversation with those men about joining?

Answer. Yes, sir; Mr. Battle had advised me to join.

Question. Have you stated as fully as you can the motives that they urged upon you to join?

Answer. Yes, sir, I believe I have; it was thought best for us to join.

Question. For your own security?

Answer. Yes, sir. The men who were supposed to be controlling this concern were men of very little character: they had been disturbing a great many around there, and we did not know at what time or how soon they might come upon us.

Question. Did you stipulate with them that you should not be called on to go on any raids?

Answer. Yes, sir.

Question. Why did you do that?

Answer. Because I did not want to go on a raid.

Question. And because you understood that they did go on raids?

Answer. Yes, sir, I understood they did go on raids.

Question. That was generally known and understood in the community, was it not?

Answer. O, yes, sir.

Question. And while you were willing to join for your own security, you did not wish to join for any wrong purpose?

Answer. Yes, sir.

Question. Did Andrews tell you why he and Moore joined?

Answer. He did not.

Question. Did you ever have any conversation with Moore about it?

Answer. I never did.

Question. Do you know, except from what Andrews said, that Moore did belong to it?

Answer. I did, from what other people said.

Question. Others who belonged to it?

Answer. Yes, sir, others who belonged to the order.

Question. With how many did you converse who admitted that they belonged to the order or band?

Answer. I cannot state positively.

Question. About how many?

Answer. I suppose from twelve to fifteen.

Question. Were any raids made by them after you joined?

Answer. Yes, sir.

Question. Do you remember what was done by them?

Answer. There never was any murder committed after I joined them.

Question. Were any acts of violence committed?

Answer. They whipped some negroes every time they went out.

Question. How many whippings did they perpetrate after you joined them?

Answer. I cannot state; sometimes they would go once or twice every week, and I would hear of it; I never saw it, but frequently I would hear the negroes themselves say that they had been whipped at certain times.

Question. What were those whippings for?

Answer. I do not know.

Question. Were they not, as you understood, to keep the negroes in terror and in subjection to the order and to the whites?

Answer. After the war closed it was feared there by the white people that the negroes would try to override them.

Question. At the elections?

Answer. No, sir, generally; stealing and such as that. It was at first thought that this organization was to prevent such things as stealing and disorder among the negroes. After that, I suppose from their acts it run into something else.

Question For political purposes?

Answer. Yes, sir. I do not remember to have ever known them to whip a democratic negro, there were democratic negroes in our section of the country.

Question. They were never molested?

Answer. No, sir, not that I heard of.

Question. Did you ever know of any republican belonging to it except Andrews and Moore?

Answer. I cannot say that I ever did.

Question. Had you, from reliable sources of information, any knowledge of violence perpetrated upon white men in your county?

Answer. No, sir.

Question. There are not many white republicans in your county, I suppose?

Answer. There have been a great many. Dr. Darden was killed.

Question. Do you think there are less outspoken white republicans in that county because of this disorder?

Answer. No, sir, I do not think that there is, because all of those that were republicans before I knew of the existence of this order are republicans still.

Question. Before you knew of its existence?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. Is this paper here [calling the attention of the witness to a manuscript paper] in your handwriting?

Answer. Yes, sir; it is what I believe to be true.

[The paper is as follows:

"It is my desire to explain some things which occurred during the year 1869 in the county of Warren, in this State, (Georgia.) As to anything which happened prior to that time I cannot speak knowingly. In that year a secret organization known as Ku-Klux existed in my portion of the county, and as I was a young man who had served during the war on the confederate side, it was thought that I should belong to the organization. I was a democrat at the time, and had supported that party since the close of the war. Owing to the press brought to bear on me, I finally consented to join the organization, as it was intimated to me if I did not join I would be considered as an enemy to the white people of the State, and would be dealt with accordingly. Upon those threats, I consented to join, provided I was not forced to enter into any 'raid' which might be contemplated by the Klan. To this they consented, and I was sworn in by ———, in presence of ———, who said he was authorized to administer said oath. I was not made acquainted with any officers beyond our Klan. The names of those I can reveal when it becomes necessary. I was never in any raid, but was told by members of all their doings, and especially as to the murder of one negro in our part of the county; date not recollected, though occurring during same week which Dr. Darden was taken from jail and murdered by men in disguise. The names of the parties connected with the murder of said negro man I can make known; also, all the signs, &c., as used by that club, including the oath, grips, &c. I can also state many of the parties belonging to said club who were not in said murder, but belonged to the same 'concern,' as also many other things not desirable to mention now unless ordered before said committee. I will state in conclusion that I am, and have always acted with the democratic party, though before the war I was a Union man."]

By Mr. BAYARD:

Question. Where was this statement prepared by you?

Answer. Here.

Question. Where?

Answer. In this town.

Question. When?

Answer. Yesterday morning.

Question. It is about the same as you have stated here?

Answer. Yes, sir, it is what I have tried to state.

Question. Upon whose application did you prepare this statement?

Answer. Mr. Norris.

Question. Mr. J. C. Norris?

Answer. Yes, sir.

Question. The ex-sheriff of Warren County?

Answer. Yes, sir.

Question. Commonly known as Chap Norris?

Answer. Yes, sir.

Question. Did he go down after you and look you up?

Answer. Yes, sir.

Question. And got you to come up here?

Answer. Yes, sir.

Question. Then at his solicitation you have appeared as a witness here and made this statement?

Answer. Yes, sir.

Question. You say an old colored man of the name of Isaac was killed by some men, Allen and the two Beckwiths?

Answer. Yes, sir.

Question. What was the date of that transaction?

Answer. I do not remember; it was the same week that Dr. Darden was killed.

Question. Was it in 1870?

Answer. No, sir; it was in 1869.

Question. Two years ago?

Answer. Yes, sir.

Question. Do you say these young men were arrested for the killing of that negro?

Answer. Yes, sir.
Question. How long were they kept in confinement by the military?
Answer. I do not recollect; it was several months.
Question. They were then turned over to the civil authorities?
Answer. Yes, sir.
Question. And the grand jury a found true bill against them?
Answer. I suppose so.
Question. And they were brought up for trial before the courts?
Answer. One was, the one that killed the negro.
Question. He admitted that he had shot him, and alleged it was done in self-defense?
Answer. Yes, sir.
Question. That the negro had raised an axe and that he had shot him, and under that plea of self-defense he was acquitted?
Answer. Yes, sir.
Question. Having been kept in confinement by the United States military authorities for several months prior to that time?
Answer. Yes, sir; he had a trial before the military authorities of some kind.
Question. Were the military authorities holding court there then, trying men in that way?
Answer. They were trying them at Barnet, before Major Kline, I suppose; he was commanding that sub-district.
Question. You say this was in 1867 and 1868 and 1869, in Warren?
Answer. I say that I joined the order in 1869; that I lived in Warren in 1867, 1868, and 1869.
Question. Then you moved to Hancock?
Answer. Yes, sir.
Question. Do you know of any such organization now existing in Warren?
Answer. I am certain it does not in that portion of Warren.
Question. Do you know any such organization in Hancock?
Answer. I do not, and I do not believe there is.
Question. Have you general information of the order in Hancock County?
Answer. Yes, sir; more from these disturbances and whippings, &c.
Question. You speak of whippings in Warren. Do you remember a white family there of the name of Brassel, who were whipped for having attempted a robbery and having previously Ku-Kluxed an old negro who was charged with having stolen some money? They had visited him in disguise and threatened to whip him if he did not restore the money; and after that they were waited upon by some disguised men and whipped and driven from the county for disturbing the old man.
Answer. If I ever heard of that I do not remember it now.
Question. It was a family of the name of Brassel?
Answer. I never heard of it.
Question. Was that in your county?
Answer. It may have been in the lower portion of the county. I was asked awhile ago if I knew of any white man that was whipped. I recollect now of one case right there in our neighborhood.
Question. What was he whipped for?
Answer. He was whipped for living with a negro woman while he had a white wife.

By the CHAIRMAN:

Question. What was his name?
Answer. I know his name but I cannot now think of it. I can tell who he married, but I declare I cannot think of his name; I can find out in the place here. He was a brother-in-law of Mr. Lawrence Battle, who was living at Barnet. I think he was an Irishman.

By Mr. BAYARD:

Question. There was an oath read to you by the chairman just now?
Answer. Yes, sir.
Question. You never heard the words of that oath until he read it to you?
Answer. I never did.
Question. Some oath was read to you to protect each other and obey orders?
Answer. That was the substance of the oath given to me; it was not read at all.
Question. You never saw any ritual, and do not think any existed?
Answer. I do not think any such thing existed.
Question. You believe that band has now disbanded and no longer exists?
Answer. I am certain of it.
Question. And you never heard of any such thing in Hancock County?
Answer. Except this same crowd that were in Warren; they used to go into Hancock.
Question. Since you have lived in Hancock there has been no disturbance there?
Answer. No, sir.

Question. I will ask you whether the killing of Darden was not generally believed and understood in your country to have been done by the personal friends of Wallace in revenge for his murder by Darden?

Answer. I do not know that I can answer that question.

Question. Darden had murdered Wallace, had he not?

Answer. Yes, sir.

Question. Shot him in cold blood in daylight in the street?

Answer. Yes, sir.

Question. And he was taken out that same night from the jail by unknown parties and killed?

Answer. Yes, sir. I do not think the fuss between Darden and Wallace was a political one at all.

Question. It was a purely personal difficulty, growing out of some attempt to enter a Masonic lodge?

Answer. Yes, sir.

Question. Have you ever served on a jury?

Answer. I never have.

Question. Have you been in the courts there?

Answer. Yes, sir.

Question. You have witnessed trials of different kinds, civil and criminal?

Answer. Yes, sir.

Question. Do you believe there is a disposition among your people to deal fairly by each other, and to give every man a fair chance?

Answer. Yes, sir, I think there is.

Question. Do you believe there is any cause for any fair man in your community to feel insecure in person and property?

Answer. No, sir.

Question. Do you believe that well-behaved people of all colors, white and black, without regard to their political affiliations, feel themselves safe to come and go and to live in the county of Warren or of Hancock, both of which you have lived in?

Answer. Yes, sir, all classes that I am acquainted with.

Question. Have you any doubt about that?

Answer. I have not.

Question. Is everything peaceful and quiet there?

Answer. I think it is now.

Question. What is the feeling of the white people generally toward the blacks?

Answer. They are kindly disposed toward them.

Question. Are they employed by the white people on their farms?

Answer. Yes, sir.

Question. Are their wages paid them pretty regularly?

Answer. I suppose so.

Question. Suppose that a black man was abused by a white man, injured personally, or had his wages kept from him, do you believe that black man could go before your courts and obtain justice from your juries?

Answer. I suppose he could.

Question. Have you reason to doubt it at all?

Answer. I do not know that I have.

Question. Your juries would be disposed to do justice by him?

Answer. Yes, sir.

Question. Have there been any men in your community in the habit of threatening your people with bringing United States troops there?

Answer. I do not know that there have been any in our county.

Question. How about Warren County; were there men there acting with the republican party who would say that they would bring the United States troops down there to overawe thier neighbors?

Answer. In 1869, or now?

Question. In 1868 and 1869.

Answer. The United States troops were carried there in 1869.

Question. Have you heard since they were there last that they would be brought back again and the county placed under martial law?

Answer. I have within the last few days.

Question. Who did you hear making those threats?

Answer. I heard it in this place.

Question. Were those threats made by the person who brought you up here; did Mr. Norris make any intimation of anything of that kind?

Answer. He said there was no doubt that a portion of the county would be placed under martial law.

Question. Was he proclaiming that around to people generally?

Answer. I do not know that he was generally.

Question. He so stated to you?

Answer. Yes, sir.

Question. Did he say anything to you about your coming up here and testifying in order to protect you?

Answer. He said he thought it would.

Question. If you came and gave this testimony you would be protected if the military went down there?

Answer. Yes, sir.

Question. Did he represent himself as being able to protect anybody?

Answer. No, sir.

Question. He told you that there was no doubt that your people would be put under martial law?

Answer. Yes, sir.

Question. Do you know that he has told that to other people?

Answer. I do not.

Question. Do you know whether, when these soldiers were down there before, he represented himself as controlling them, and causing arrests to be made as he saw fit?

Answer. I think it was generally understood so in the county; he was sheriff of the county.

Question. Do you know the fact that any of your people down there were compelled to pay him money; or give him notes or such things to keep the troops off of them?

Answer. I know some of them gave him a note; I have seen the note.

Question. You only know of one case?

Answer. Only the one note I have seen.

Question. Do you know by rumor of other persons who were compelled to do that?

Answer. No, sir, I only know this one case.

Question. Was that the one he was arrested for?

Answer. Yes, sir.

Question. He was brought away from the county by Lieutenant Todd, was he not? Do you know that officer?

Answer. I do not.

Question. About the time when old Isaac was killed, two or three of these young men who were afterward tried were arrested by the military and kept in confinement for several months?

Answer. Yes, sir.

Question. Without being allowed to give bail?

Answer. They were sent to Atlanta and confined in this place most of the time.

Question. Did you ever see the place where they were confined?

Answer. I heard of the building a few days before their trial.

Question. Where were they confined?

Answer. In a pen built up with a tent on the top of it; they were put in the pen.

Question. What was the pen made of?

Answer. Of logs.

Question. They were put underneath in the pen, and the soldiers were in a tent stretched on top of the pen?

Answer. Yes, sir.

Question. How high was that pen?

Answer. I suppose a common-sized man could stand up straight in it.

Question. Do you suppose that you or I could stand up in it?

Answer. I do not suppose that I could, or that you could.

Question. How tall are you?

Answer. Six feet.

Question. How large was the pen?

Answer. About the size of a common "A" tent.

Question. How large is that; six feet square?

Answer. I really do not know the number of feet.

Question. How many men were expected to sleep in a tent of that size?

Answer. I do not know; during the war eight or ten sometimes slept in one.

Question. You did not have many tents?

Answer. No, sir, very few tents; I think four men are allowed generally to those small tents.

Question. How many of the guards slept on top of that pen?

Answer. I do not know.

Question. Were you permitted to have access to them?

Answer. Any one could go up and talk to them.

Question. How long were they kept in that way?

Answer. Only a few days.

Question. They had been in confinement before that for several months?

Answer. Yes, sir.

Question. After that they were tried in the courts with the result you have stated?

Answer. Yes, sir; they were released under bond after this military trial.

By the CHAIRMAN:

Question. Have you ever heard of anybody being punished for offenses committed by the Ku-Klux organization, for whipping or killing?

Answer. No, sir, I do not know that I have.

Question. Those men were confined in an ordinary military guard-house?

Answer. I suppose so.

Question. This pen you speak of?

Answer. I suppose that is what they kept their own prisoners in.

By Mr. BAYARD:

Question. How many were kept in it?

Answer. The two Beckwiths.

By the CHAIRMAN:

Question. That was the general mode of fixing up a guard-house in camp?

Answer. I cannot say.

Question. Did you ever see one before?

Answer. Not in the Federal army. I saw them in our army, the confederate army.

Question. In reply to questions that have been asked you, you have stated that you prepared this statement in writing at the request of Mr. Norris?

Answer. Yes, sir.

Question. He was acquainted with you?

Answer. Yes, sir.

Question. And he was satisfied that you were acquainted with the facts you have deposed to?

Answer. Yes, sir.

ATLANTA, GEORGIA, *November* 8, 1871.

H. C. JONES sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your profession.

Answer. I will be twenty-five years old next month; I was born in Griffin, Georgia, and now live in Decatur; I am an attorney at law.

Question. Has any person applied to you to give testimony discrediting Mr. Norris, commonly called Chap. Norris?

Answer. When?

Question. Within the last three weeks.

Answer. No one has applied to discredit his testimony. A gentleman asked me if I could swear that I would not believe him on his oath.

Question. Who was that gentleman?

Answer. I dislike to give his name unless I am obliged to do it; I will do it if I am forced to. It was not a request on his part, but a mere inquiry of me if I could do that thing. The request was made in a way that I am bound not to say anything about it.

Question. What was your reply?

Answer. My reply was that I could not swear that I would not believe Mr. Norris on his oath.

Question. How long have you known him?

Answer. Well, sir, I knew him when I was a little boy, in Warrenton; at least, I saw him frequently about Warrenton. I never have had any business relations with Mr. Norris. I never knew him to swear to a lie. I stated in that conversation that Mr. Norris's character in Warren County now was unknown to me. I know what are the usual questions propounded in impeaching a witness. I stated that I could not, in the first place, answer the questions that would authorize me to swear that I did not believe him. I have not been in Warren County for more than a year, and I do not know what his reputation is now in that county.

Question. You say that you prefer not to give the name of the gentleman who made this inquiry?

Answer. I received it in confidence from him, and promised that I would not tell; that is the reason.

Question. Did you ever hear of any attempt being made in the courts of Warren to impeach the credibility of Mr. Norris?

Answer. Yes, sir; I heard of it a long time ago.

Question. Do you know whether it was successful or unsuccessful?

Answer. Only what I heard; I heard it was unsuccessful; I heard it from Mr. Norris himself.

Question. Have you heard it from others?

Answer. I think I have heard several speak of it. I have heard some say that he was impeached, and I have heard others say he was not. I do not know what are the facts. The records of the court would be the best evidence, I suppose.

Question. Would it be made a matter of record?

Answer. It might be, under some circumstances. I do not know what kind of a case it was. Had it been a criminal case, I suppose it would be made a matter of record.

Question. Please state what you know about the organization that is frequently spoken of as the Ku-Klux.

Answer. I do not know anything about any such organization.

Question. Have you any knowledge of any bands of men in disguise going about the country at night?

Answer. I have seen a band of men, a crowd of men, riding along in Warren County at night. I do not know that they were particularly disguised; that is, I could see their faces; they may have been dressed differently from their usual custom. Their horses were not disguised at all.

Question. How many were there in that crowd?

Answer. Well, sir, I do not know.

Question. How many should you judge there were—ten, or twenty, or thirty?

Answer. There were fully as many as thirty, I reckon.

Question. At what time in the night?

Answer. About 10 o'clock.

Question. Have you known of any persons being whipped or put to death by disguised persons at night?

Answer. I have never known of it myself; I have heard it stated by many men in whom I have confidence that a party of disguised men took Dr. Darden from the jail in Warren County and killed him.

Question. Do you know anything about a negro being put to death, and an attempt made to burn his body?

Answer. Nothing, of my own knowledge; I have heard it was so, but I never knew anything about it.

Question. Do you know anything about some negroes being taken from the cars at Dearing and put to death?

Answer. I have heard all these tales down there; I never knew anything about that.

Question. Are those occurrences understood and believed in the community to be true?

Answer. They are not believed by perhaps a majority of the people; they are believed by some people.

Question. A majority of the people do not believe that the negroes were taken from the cars at Dearing?

Answer. I could not say what they believe about it now; I heard many men deny it then.

Question. At the time?

Answer. Yes, sir. Nobody even denied, to my knowledge, that Dr. Darden was taken from the jail, because his body was found.

Question. How was it with the negro on the Brinkley place?

Answer. Near Cammack?

Question. Yes; the lame negro who was alleged to have been killed.

Answer. I have heard about it.

Question. What was the opinion and belief on that subject?

Answer. About the negro having been killed?

Question. Yes.

Answer. It has been a good while since that occurrence, and I could not say how many believed or disbelieved it at the time.

Question. A great many disbelieve the taking of the negroes from the train at Dearing?

Answer. Yes, sir; very many. I had no idea it was so, but afterward many men told me it was so; some did and some did not. I went away, and I do not know what the prevailing opinion was about it; I believe the public was divided. I learn now that many people concede it was so.

Question. How was it possible for such a transaction to have occurred in that county, on the railroad between here and Augusta, and not have been known positively, and beyond all controversy; how could there have been any doubt in the public mind?

Answer. It is a matter that people would have been very apt to find out about; it looks to me like it would be settled some way or the other. As I said, I left there a short time afterward, and I never saw anybody who could tell me positively that it was so or not so. Many people denied that it was so, and many said it was so.

Question. Did any one ever ask you or suggest to you to connect yourself with the order?

Answer. No, sir; that is, not as a Ku-Klux order. I have been invited to go out and deal with a man that the courts did not deal with, and whom the public thought had violated the laws of the country.

Question. Who was the man?

Answer. I do not recollect; many men.

Question. You do not recollect of any particular instance do you mean to say?

Answer. I recollect of a particular instance in which I went.

Question. What instance was that?

Answer. The case of a Miss Harrill, who was charged with having burned Mrs. Hobbs's house. I boarded at Mrs. Hobbs's house, in Warren County. I was approached by some gentlemen in the neighborhood, who informed me that there was no chance to reach her through the courts. I knew she was a vile wretch, a disgrace to the neighborhood in every way. I was requested to go with a party of men and notify her to leave there. I considered that a violation of the law, but yet I thought that under the circumstances I was justified in doing it. Judge Andrews, who was the judge of that circuit, had not held the court previous to that time. I believe he announced he was afraid, from some cause, to go there. Colonel Pottle, of Warrenton, told me that he wrote a letter to Judge Andrews, informing him that there was no difficulty about his coming there; that it was a mere rumor, and had no foundation in fact.

Question. Who were the gentlemen that invited you to go out on that occasion?

Answer. I think Mrs. Hobbs's son was one; I cannot call the other names. It was some parties right there about her house.

Question. Were the parties disguised?

Answer. No, sir.

Question. That is the only connection you have had with any acts of that sort, or that you have been invited or requested to have?

Answer. Yes, sir; that is all.

Question. Did anybody ever suggest to you that it would be better for yourself to be connected with any secret organization?

Answer. Never in my life.

By Mr. BAYARD:

Question. How long since was this application made to you as to whether you knew enough of Norris to be able to testify to his character for veracity?

Answer. Not more than ten days ago; it might not have been so long as that. It was in my office down here, a very short time ago.

Question. Where is your office?

Answer. At the corner of Broad and Marietta streets.

Question. In Atlanta?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. You practice law here?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Decatur is five miles from here?

Answer. Yes, sir; I come in on the accommodation train every day and go back at night.

Question. How long did you live in Warren?

Answer. I went to school there before the war; since the war I have lived there but two years.

Question. What years?

Answer. The latter part of 1867, through 1868, and a part of 1869.

Question. You are practicing law in the courts of Georgia?

Answer. Yes, sir.

Question. Do you find a general disposition in your courts and juries to do justice to people respecting all their rights of person and property?

Answer. I have never found anything else. I have defended negroes in Warren County without fee or reward, in the worst kind of cases frequently, and have seen them acquitted when I thought many juries would have convicted white men under the same circumstances.

Question. And the same feeling exists in the county of De Kalb?

Answer. Yes, sir.

Question. Do you find that to be the case here in the courts of Atlanta?

Answer. I do.

Question. Do you believe that all men, without regard to their race, or their political opinions, or their station in life, are reasonably safe under the laws of Georgia?

Answer. I think they are.

Question. And can obtain justice?

Answer. I think so. I think this, that in this country, since the war, if a man violates the law, and the people are satisfied the courts will not punish him, there are men—I do not believe the generality of them would do it—who would go out and lynch him.

Question. That is lynch law?

Answer. Yes, sir.

Question. Has that been increased, in any degree, from the fact that men have been tried in your courts and convicted and pardoned, or pardoned sometimes before trial?

Answer. That is alleged as a reason for proceeding in that way.

Question. Has that condition of affairs produced a certain feeling of unreliability, so far as the State government was concerned, for the last two or three years?

Answer. Yes, sir; it has.

Question. Do you know the fact whether this gentleman whose name has been brought in question here, Mr. Norris, has himself been the recipient of pardon before trial in various cases in which he was indicted in his county?

Answer. I do not know that; I have heard it.

Question. What is your age?

Answer. I am twenty-five years old.

Question. Then, of course, you would not have much knowledge of occurrences before 1860?

Answer. No, sir.

Question. And your answer to the gentleman who applied to you to know whether you knew enough of Norris to express an opinion about his want of veracity was, that you did not know enough about him?

Answer. It was that I did not know anything about his standing at this time.

Question. Would you be enabled to sustain him or assail him as to his veracity?

Answer. I would not swear that I would not believe Mr. Norris. I would not like to say anything on the subject. I am not acquainted with his character here nor there. I do not speak to Mr. Norris. I do not know anything about him.

Question. Did he request you to come here?

Answer. I do not know at whose request I was summoned.

Question. Did you ever meet any member of this committee before you entered this room?

Answer. I do not think I have, unless it was on the stair-steps one day when I came here to inquire whether I could be at liberty to go to De Kalb to attend to some little case. I was summoned to come here immediately, and I came to ascertain if I could leave for that purpose.

Question. Who did you meet then?

Answer. I think I saw that gentleman. [Pointing to Mr. Scofield.]

Question. He was the only gentleman of the committee that you met?

Answer. Yes, sir.

Question. You have spoken of a woman who burned down Mrs. Hobbs's house?

Answer. She did not burn it down. She set it on fire, and burned down the kitchen.

Question. She was a bad woman?

Answer. A strumpet—a notorious whore.

Question. She was a dangerous character, and the young men waited upon her and told her to go away?

Answer. I do not know that they were all young men or not.

Question. They were not disguised?

Answer. Not at all.

Question. She was ordered to leave?

Answer. She was not there. We went there, but she was not at home.

Question. That is the only case of illegality that you remember to have been concerned in?

Answer. That is the only violation of the law I have ever committed.

Question. Among the cases that occurred there where you heard of persons being punished by lynch law, was there any of political significance; that is to say, were any punished for political opinions in any way, or was it for some act of immorality or lawlessness of their own?

Answer. I only recollect two cases—one was the case of Senator Adkins. He was assassinated near Fossett's; nobody ever knew who did it, or what it was done for. Many supposed it was personal enmity. His political friends thought it was on account of his being connected with the republican party. I never supposed so, and I do not think the majority of the people did. I know they did not, so far as a man can speak in such a case. Doctor Darden had killed a man by the name of Charles Wallace. He shot him behind his back as he was walking along the street, and that night he was executed.

Question. Was it supposed, generally, that the friends of Wallace revenged his murder by killing Doctor Darden?

Answer. I never heard anybody suppose anything else; I always supposed so.

Question. Do you recollect whether, on the very day that Senator Adkins was killed, he had a difficulty at the railway station with a young Mr. Adams?

Answer. I have heard all about the difficulty, but I do not know anything about it myself.

Question. I speak of a matter of repute. Was it not alleged that Adkins had written a very insulting letter to the sister of Mr. Adams?

Answer. Yes, sir; I saw the letter myself.

Question. Was it of an insulting character?

Answer. It was.

Question. There was no doubt of its being from Mr. Adkins?

Answer. His name was signed to it, and Mr. Fowler, who showed me the letter, told me that it was in his handwriting. If Mr. Adkins had written that letter to my sister, I would have killed him on the streets here or anywhere that I met him, without hesitation.

Question. Was the letter capable of any other construction than that of an insult and of a criminal suggestion?

Answer. That was the way it appeared to me.

Question. Without any doubt?

Answer. I looked on it in no other light; I knew that Mr. Adkins was a married man. This young lady, I believe, was unfortunate—a cripple, or something of the kind. I also understood that he had frequently made advances to her before that time. Mr. Fowler told me so.

Question. Did young Adams know of this letter?

Answer. I do not know whether he did or not.

Question. But the letter was a fact?

Answer. I saw it, and I was told by Mr. Fowler of his previous advances.

Question. Had this young lady ever been an intimate of the family of Mr. Adkins?

Answer. I do not know.

Question. To your mind there was no doubt about the natural construction of the letter?

Answer. I had no doubt about what he meant; I supposed he meant to have carnal knowledge of her if he could.

Question. Did he refer to having had it frequently?

Answer. I do not know that he did.

Question. It was a solicitation to have it?

Answer. It was not in direct terms, but nobody would suppose it to mean anything else. He was a married man, and the letter contained expressions of love. I do not think it asked directly for any privilege of that kind, but everybody would have understood that he meant that. I read the note, and was surprised to see it, because he was a minister of the gospel and a married man; I had not supposed that he would have written anything of the kind.

By the CHAIRMAN:

Question. How old a man was Mr. Adkins?

Answer. I do not know; I suppose he was forty-five, perhaps. I could not state exactly.

Question. Did you know him?

Answer. When I saw him.

Question. Do you think that states his age, to say that he was "about forty-five?"

Answer. Not exactly.

Question. Do you not know that he was nearly seventy?

Answer. I do not; I do not know anything about his age; I never heard it in my life. He was a large, fleshy man, and always shaved his face.

Question. Where was the letter dated?

Answer. In Atlanta.

Question. To what point was it directed?

Answer. To Thompson, I think; I do not know that I saw the envelope, but I think I did.

Question. Do you know whether this lady to whom it was addressed had been a member of his family?

Answer. I do not know.

Question. Do you know that his relations with her had been fatherly and kind previous to that time?

Answer. I do not.

Question. Do you know that he was endeavoring to get her appointed to a post-office in the neighborhood?

Answer. I heard that, and I heard also that it was contrary to her wishes.

Question. Can you give the language of that letter?

Answer. No, sir.

Question. Why has that letter never been published?

Answer. I have no idea.
Question. Do you know whether other persons saw it as well as you?
Answer. Yes, sir.
Question. Do you know Mr. John Neal?
Answer. Yes, sir.
Question. Do you know whether he ever saw it?
Answer. I do not.
Question. You are acquainted with Mr. Neal?
Answer. Very well.
Question. Is he a man of good character?
Answer. Yes, sir.
Question. Does he stand high in the community?
Answer. He stands very well with the people there, at least outside of his politics. He has not been regarded as very sound in that line. Everybody believes there that he is a republican for the sake of money. Before I pass from his character, I will say that there have been charges in regard to his birth, &c.; that I do not know anything about.
Question. About his birth?
Answer. It was said that he was a bastard; I believe he does not deny it, and I have heard his relatives say so, but I believe that he is a man of veracity.
Question. A man who stands well as regards his personal character, notwithstanding this disadvantage of birth?
Answer. He does so far as I know; he does with me.
Question. Do you know any man of his age in whose statements you would have more implicit confidence?
Answer. Well, sir, I do not know how a majority of the people regard him in that respect; I believe that he is a truthful man.
Question. How were you engaged during the war?
Answer. In the seventh Georgia regiment a while.
Question. Were you in service with Mr. Neal?
Answer. No, sir.
Question. Did Doctor Darden and Mr. Wallace belong to the same political party?
Answer. Nobody knew to what party Doctor Darden belonged; I did not. I think he was sort of both ways, but most of the people thought, as they did about everybody else who was not right square out a democrat, that he was a radical.

ATLANTA, GEORGIA, *November* 8, 1871.

JOHN A. WIMPY sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present profession.
Answer. I am thirty-three years old; I was born in Monroe County, East Tennessee, and I now reside in Lumpkin County, Georgia; I am a lawyer, and have an office in Atlanta now.
Question. Have you been much in Atlanta?
Answer. Yes, sir, I have been here considerable.
Question. I wish you would state whether you have any means of knowing the feeling that obtains in the community here, or with a portion of it, in respect to the investigations ordered to be made by this committee.
Answer. Well, sir, I have been in the city about six weeks since I established my office here. I was in this city when this committee arrived here, since which time I have heard several persons make remarks about the committee in a disrespectful way; in other words, they said they had no business here. On one occasion I was at the depot, on the day that you arrived or the day after you arrived, and there I met a friend who was formerly from East Tennessee, Colonel Mynatt. I shook hands with him, and we commenced talking about the news of the day. While we were talking, General Young, the member of Congress from this district, came up to us. Mr. Mynatt said, "Hallo, Young, did you know the congressional committee was here?" He said, yes, and they had some remarks about it. Young commenced making some remarks, cursing the witnesses here and the whole concern, and said they ought to be driven out of here with a hickory, whipped off home, "the whole damned kit and boodle of them." His remarks were very bitter. I said nothing and Mr. Mynatt said nothing. Several persons came up just as he was making those remarks, and I went away, and do not know what he said afterward.
Question. Was anything else said by any other person at the time?

Answer. No, sir. I have heard others make some similar remarks. You asked me as to the public sentiment here; that is all I know, what I hear from individuals.

Question. This conversation was on the street and in the presence of others?

Answer. Yes, sir; Colonel Mynatt and myself were present and two or three others were around; I do not know who they were.

Question. Did any other person come up with him?

Answer. Yes, sir; Dr. Redwine came up, and Mynatt told him that Horace Maynard was here, and that he was going to call on him, as he was an old friend of his. Dr. Redwine, who is a very influential man in this city, said, "Yes, and he ought to be driven out of this town;" that was the remark he made.

Question. That was upon the first arrival of the committee?

Answer. Yes, sir.

Question. Are those two men representative men in this community?

Answer. General Young is; he is a member of Congress from this district. Dr. Redwine has a practice in this district, and is a very influential man. He is regarded as a very substantial man here; I have no intimate acquaintance with him, however.

By Mr. BAYARD:

Question. At whose request did you come and make this statement before the committee?

Answer. Well, sir, I heard those remarks and I felt very bad about it. I was raised up in East Tennessee, and I felt it my duty to mention these facts privately to Mr. Maynard.

Question. And at his request you have come here to tell General Young's private remarks?

Answer. I do not know by whom I was sent for.

Question. At his request?

Answer. I do not know.

Question. Did you ever give General Young notice that you intended to retail his remarks to this committee?

Answer. No, sir; I did not intend to do any such thing; I did not know that I was to be called. I told Mr. Maynard about it, but I did not know that he would have it before the committee. General Young's remarks were more directed to the witnesses that were here—toward the negroes.

Question. Did he not speak of the class of witnesses and of the character of those witnesses?

Answer. He spoke of the negroes.

Question. Who were hanging around the doors of this building?

Answer. Yes, sir.

Question. Did you happen to see the class of witnesses who congregated about the door of this building?

Answer. I saw a great many here during the session of the district court.

Question. What was the general character of the witnesses you saw around the door of this building?

Answer. I do not know their general character.

Question. What was their appearance?

Answer. Some were colored people and some were white.

Question. Were the witnesses, as a class, what you would call a very low class of black people?

Answer. I could not tell that; I never saw them before in my life.

Question. You saw them then?

Answer. Yes, sir.

Question. Could you not say from their appearance?

Answer. Some were very well dressed and some were not.

Question. Were not most of them a set of scarecrows, so far as their clothing was concerned?

Answer. I could not say.

Question. You are a political opponent of General Young?

Answer. I am a republican.

Question. You voted against him?

Answer. I did not vote for him or against him; I live in another district. General Young and myself have always been friendly; we have differed politically.

Question. Is it your method here of showing personal friendship to retail conversations to those to whom it would be disagreeable?

Answer. I thought these remarks were personal to Mr. Maynard.

Question. Is it your idea of the duty of a gentleman, and the right of a gentleman, to overhear a conversation, and then go and report it to a man to whom it would be disagreeable?

Answer. I did not think it would be ungentlemanly to speak to Mr. Maynard about it.

Question. According to your ideas, that was right and proper?

Answer. I thought so, or I would not have done so.
Question. You thought it was proper to retail to Mr. Maynard the remarks made by Mr. Young?
Answer. Yes, sir; under the circumstances.

By the CHAIRMAN:

Question. This conversation was addressed to you and Mr. Mynatt?
Answer. Yes, sir.
Question. You were standing at the depot talking, and this gentleman came up and commenced this conversation in the public street, in the presence of yourself and others?
Answer. Yes, sir.
Question. It was not a private or confidential conversation?
Answer. No, sir.
Question. It was a public and avowed expression of the sentiments of those gentlemen?
Answer. Yes, sir; if it had been a private and confidential conversation, I would not have told it.

By Mr. BAYARD:

Question. You say it was private; how many men were present?
Answer. I did not say it was private.
Question. How many men were present?
Answer. Dr. Redwine, Colonel Mynatt, and myself and others standing there.
Question. Was the remark addressed to you or to Mynatt?
Answer. It was addressed to the crowd.
Question. Do you say General Young's desire was expressed to have this committee driven out of the city?
Answer. I cannot say; the drift of his conversation was in regard to the witnesses.
Question. Repeat his language.
Answer. It was that they were a set of damned thieves; I could not repeat all the epithets.
Question. And ought to be driven out of town?
Answer. Yes, sir.
Question. That remark was applied to the witnesses?
Answer. Yes, sir; he did not mention the names of the committee.
Mr. BAYARD. I protest that the gentleman, who is a member of the House of Representatives, now in this city, should have been informed of this, and have had an opportunity to meet this witness at the time he was so assailed.
The CHAIRMAN. He can be sent for now.

The following papers were presented by the chairman, Mr. MAYNARD, and ordered to be appended to the testimony in relation to Georgia:

GEORGIA LEGISLATURE, SENATE CHAMBER,
Atlanta, Georgia, November 8, 1871.

SIR: By resolution of the senate, I have been instructed to furnish your committee with the inclosed copy resolution.
Very respectfully, your obedient servant,

T. W. J. HILL,
Secretary Senate.

Hon. HORACE MAYNARD,
Chairman Congressional Committee.

A RESOLUTION in relation to outrages and violations of law in this State.

Whereas, it has been alleged by certain politicians, North and South, who esteem the success of the party to which they belong and the accomplishment of their political purposes more highly than the peace, happiness, and prosperity of the country, that there exists in this State and other Southern States certain lawless bands of persons commonly called *Ku-Klux*, who are banded together for political purposes, and are in the habit of committing great outrages upon the peaceable and law-abiding citizens of the country, and that the State courts fail and refuse to afford sufficient redress;
And whereas, the Congress of the United States, at its last session, appointed a committee to investigate said alleged outrages and violations of law;
And whereas, the senate is satisfied that no such political organization exists in this State, and desires to afford said committee all the aid and facilities in its power for the

purpose of enabling said committee to arrive at the truth in regard to all the matters which it is their duty to investigate;

And whereas, the superior court judges of this State (a large majority of whom belong to the republican party) preside over the courts of every county of this State, and have ample opportunity of knowing how the law is being administered and enforced in the various parts of this State;

And whereas, this senate is satisfied that a large number of the witnesses have been called to testify before said committee who are not worthy of credit before any honest community, for the purpose of making a record to be used for the accomplishment of certain political ends which greatly defames the people of this State;

And whereas, this senate is satisfied that the people of this State never were at any time in the history of this country more peaceable, quiet, and law-abiding than they now are: therefore

Resolved by the senate, That we respectfully invite the portion of said committee which is now assembled in this city to summon as witnesses before them all of the judges of the superior courts of this State.

Resolved, secondly, That we pledge ourselves to give said committee and the courts of the country all the aid in our power to enable them to investigate any outrages or violations of law which may have been committed against the laws of this State or the United States, and to bring the guilty parties to speedy justice.

SENATE CHAMBER, *November* 8, 1871.

I, Thos. W. J. Hill, secretary of the senate, hereby certify that the foregoing is a correct copy of the original resolutions this day taken up and agreed to.

T. W. J. HILL,
Secretary of the Senate.

OFFICE UNITED STATES MARSHAL, DISTRICT OF GEORGIA,
Savannah, Georgia, November 18, 1871.

DEAR SIR: The statement being frequently made that all the citizens of these districts are disposed to obey the laws of the United States fully and cheerfully, I desire to submit to you a recent case in point.

At the last term of the district court sitting in Atlanta, a man by the name of Sisk was convicted of a violation of the internal revenue laws, and was sentenced to be confined for several months in the county jail of Habersham County, in the northeastern portion of this State, being sent there through motives of humanity on the part of the judge, on the representation of his counsel that he was a resident of that county, that he was suffering from heart disease and liable to die at any moment, and that he desired to be confined as near his family as possible, in case such an event should occur.

Shortly after the adjournment of the court, he was sent to Habersham County, regularly committed to jail under sentence of the court, the sheriff of the county, Jack Nix, receipting to us for him.

On information that he was allowed to go at large, one of my deputies was sent to ascertain the facts. He first called upon the sheriff, who stated that the prisoner was in jail. He then went to the jail, and was told by the jailer that the prisoner was in the dungeon, which place, upon examination, proved to be empty. The deputy sheriff and jailer then becoming frightened, stated that the prisoner was at home, in accordance with instructions from the sheriff. Again calling upon the sheriff, my deputy was coolly informed by him that "he [the sheriff] would confine no man in his jail for making whisky."

On consultation with the district attorney, we find the only remedy for this to be a prosecution of the sheriff in the court of his own county, under the laws of this State, which prescribe a heavy penalty for such an offense. As, however, a grand jury of Habersham County would probably take the same liberal view of his duties as the sheriff himself, an indictment is not likely, and a conviction still more improbable.

Very respectfully yours,

WM. H. SMYTH,
United States Marshal.

HON. HORACE MAYNARD,
Washington, D. C.

The following article, published in the Savannah News of November 9, 1871, was presented by Mr. BAYARD, and ordered to be appended to the testimony in relation to Georgia.

[From the Augusta Constitutionalist.]

KU-KLUX OUTRAGES.

Dark and painful rumors come to us from an adjoining county of a bloody outrage recently perpetrated by men in disguises at dead of night, which resulted in the death of two negroes, a man and a woman, and the fearful punishment of a white woman, by which she has been confined ever since to her bed. The story does not come to us with sufficient particularity to enable us to give locality, names, and date. We hope it comes to us greatly exaggerated. But that there is foundation for the story, and that murder—bloody and wanton murder—has been committed upon citizens of the State, and entitled to the protection of its law, there can be no doubt. Attempts are made to suppress the facts, and to conceal the perpetrators. Exposure through the newspapers is greatly dreaded, and solicitude has been manifested to suppress all publicity on the subject. This paper has no sympathy with such crimes and criminals, and repudiates the policy of silence on so grave an occasion. On the contrary, it recognizes in the amplest manner the obligation attaching to the conductors of the public press to expose every transaction which is in flagrant violation of the peace of society, and diminishes that feeling of security to life, person, and property, which every citizen under the ægis of the law's protection is entitled to enjoy.

Much that has been published about Ku-Klux outrages, we do not doubt, have been gross exaggerations, and some of them pure inventions, emanating from radical brains, in the interest of a vile party, and for the most detestable political purposes. Much of the expressed apprehension of danger from secret organizations of midnight maskers has been mere pretense; and this fact has thrown an air of discredit upon all the stories of the Ku-Klux. It had even come to be considered that the Ku-Klux was a myth—an imaginative creation—like tales of ogres and vampires, to frighten ignorant negroes and credulous carpet-baggers. But there can be no denial of the fact that such secret organizations have at different times and in different localities existed since the close of the war, and that though now much less prevalent than they have been, are still occasionally rampant and active. The recent bloody exploit, to which we have referred above, is a shocking exemplification of the fact that there are men among us who assume to be the custodians of the morals of society, and self-constituted administrators of what they are pleased to call "wild justice."

Who are these men that thus surreptitiously usurp the sword, and, by their disguises, caricature the sacred ermine? As they never, in their official costume, expose their faces to the glare of day, and are charged with being ready to commit murder to escape detection, the presumption is that they act under a consciousness that in following the instigation of their passions and bloody caprices they enjoy not the sympathies of good men, but are defying and outraging public opinion.

Candor requires that there should be some qualification to these views. There have been exceptional cases in times past, and they are liable occasionally to arise in the most peaceful times, and in the best regulated communities, when the law is inadequate to protect society, or is too slow to satisfy the demands of justice. There are some exceptional outrages so shocking to humanity that the perpetrator becomes an outlaw in the eyes of all good people, and public sentiment justifies the sentence of a short shrift and a strong rope. There are exigencies when the safety of communities have required the organization of vigilance committees and the summary execution of criminals. This is familiarly known as lynch law, and has been sometimes recognized on the frontiers of civilization and in the new States of the southwest and in California as not only a salutary but a necessary system. There are occasional instances in the oldest States, and in the longest established systems, where lynch law has been justifiable, under the dictates of that supreme law of society, self-preservation. But in all such cases the public intelligence has spoken face to face, and acted in the broad light of the sun.

Exceptional cases have also arisen, and may arise again in the Southern States since the close of the war, under the despotic rule of the bayonet, and under the corrupt government of carpet-baggers, when criminals had friends in high places, and could commit outrages with impunity—when men went about committing crimes with pardons in their pockets, or, what was equivalent, when the trials and sentences of courts were mockeries, because pardons would follow convictions, and be handed to the convict before he reached the jail door. In such cases it became almost a virtue to meet despotism and connivance with crime with swift retribution. If there was any mistake in such Ku-Kluxism, it was not striking high enough. It should have dragged the head culprit down, and thus struck terror to the hearts of the subordinates in villainy. But mob law is generally unreasonable and undiscriminating, and too often inflicts,

directly or in its effects, more injury upon the innocent than just punishment upon the guilty. A mob organized for a good purpose is apt to become crazed by its own excesses, and to forget its original aims in Quixotic attemps to redress real or fancied evils which the law is fully adequate to attend to. Such is probably the solution of influences prompting the recent outrage that has called forth these comments.

It is about time that the communities in which the operations of these Ku-Kluxers have taken place should speak out and call on these secret champions of society to unmask. It is time their faces should be scrutinized, and their credentials should be examined. They assume to act in the interests of the community. The community should be entitled to know their representatives. It is time the community should in public meetings and through the public press declare its true sentiments. There has been too long a reprehensible silence on this subject. In the absence of the voice of protest, it has been assumed that these secret organizations possessed the approbation and sympathy of society. That silence has been misconstrued. It has been partly on account of the ignorance of peaceable and orderly citizens as to who constituted the members, that they have not been talked to plainly, and their operations censured. It has been partly through terrorism that the timid have preferred not to speak, for they feared that their interference might be punished. Some who dared to murmur have been silenced by threats, or mysterious hints to guard their tongues.

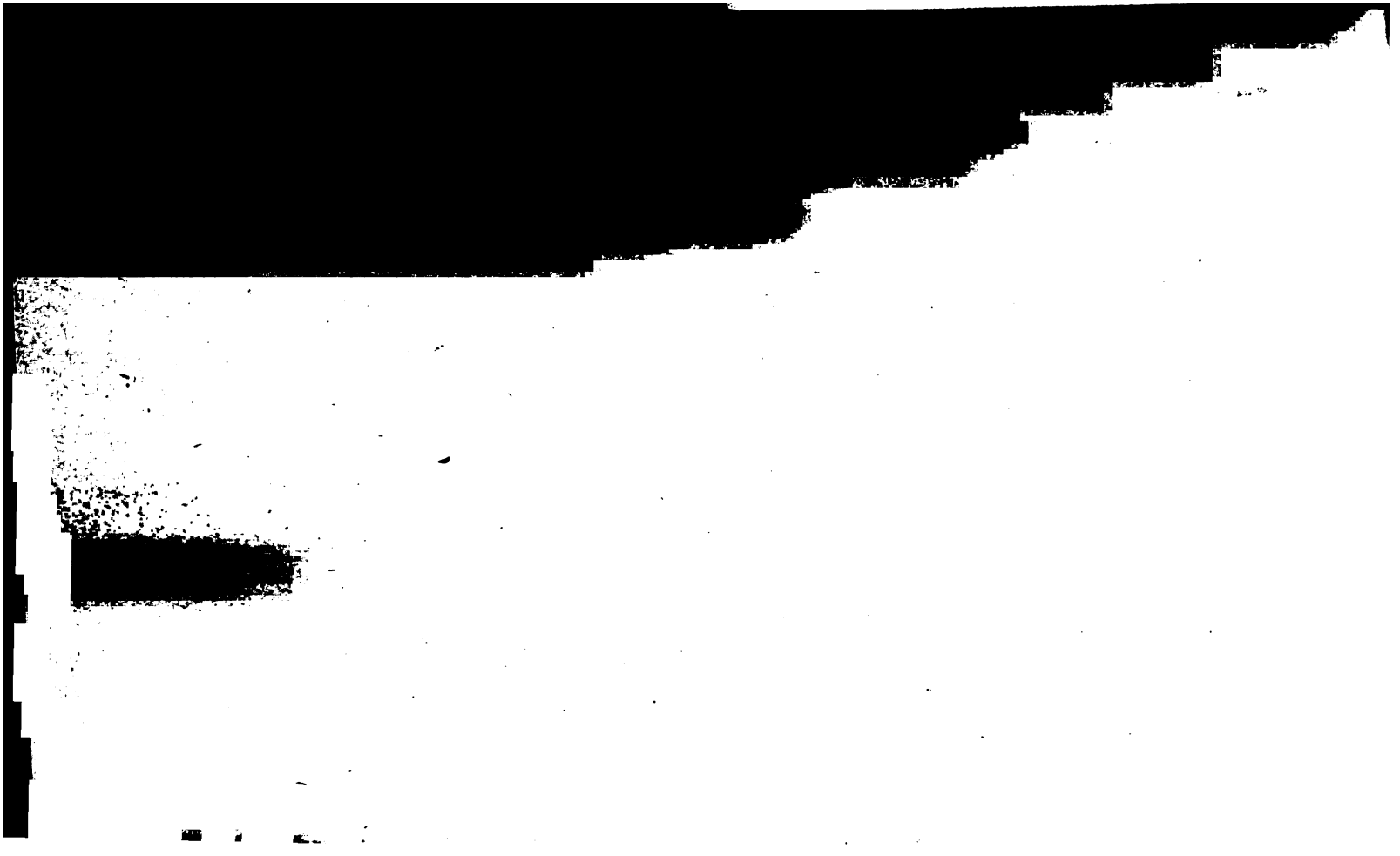
The evil which this mistaken prudence is liable to bring down upon counties where these things have happened is that of martial law. If the citizens of Georgia do not, through their own grand juries, and through their own courts of justice, take cognizance of the infractions of its laws, and the violations of the rights of property, person and life, of its own citizens, white and black, they can, with but poor grace, raise a clamor against the unconstitutional Ku-Kluxism of the Congress of the United States, which has authorized the President to suspend the writ of *habeas corpus*, and to send Federal troops to preserve order. It is difficult to conceive a condition of greater humiliation, and a more exasperating spectacle among a proud people, than that of epauletted tools of a military tyrant and the glittering bayonets of his soldiery—the best citizens of the land and the most refined ladies alike liable to arrest and imprisonment with the most turbulent and vicious rowdies, the only distinction existing between the two being in the arbitrary caprice of the commandant. There are counties in Georgia which know something of this by experience. The sweat-box trials of Atlanta and Columbus will not soon be forgotten.

If these indignities are to be brought upon the people of Georgia again, the Ku-Klux will be placed in the front rank of responsibility for it. Their excesses will be quoted as the justification.

There is but one mode to escape such results. It is for the people of Georgia in the several counties which have reason to fear Federal interference to rise up, and by their conduct show that they are capable of protecting the lives of their own citizens, and to bring to punishment those who defy the laws of the State.

The legislature should speak out, by joint resolutions, condemning in the strongest language secret organizations and midnight mobs, and exhort the people to bring to bear every legal and moral influence for the vindication of the peace, good order, and dignity of the State.

We have no longer an executive who will indiscriminately pardon criminals, and there is good reason now to hope that the decrees of our tribunals of criminal justice will be respected and enforced.



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